



# California Regional Water Quality Control Board

## Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams  
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

February 16, 2010

Mr. Dan Pfeifer  
City of San Buenaventura  
501 Poli Street  
Ventura, California 93002-0099

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
NO. 7008 1830 0004 3360 5149

**COMPLAINT NO. R4-2008-0091-M FOR MANDATORY MINIMUM PENALTY AGAINST CITY OF SAN BUENAVENTURA, VENTURA WATER RECLAMATION PLANT, 1400 SPINNAKER DRIVE, VENTURA, CA (ORDER NOS. 00-143, R4-2008-0011, & R4-2008-0012, NPDES PERMIT NO. CA0053651, CI-1822)**

Dear Mr. Pfeifer:

Enclosed is Complaint No. R4-2008-0091-M for Mandatory Minimum Penalty in the amount of \$492,000 against City of San Buenaventura (hereinafter Permittee) for violating waste discharge requirements contained in Regional Board Order Nos. 00-143, R4-2008-0011, and R4-2008-0012. Also enclosed is a copy of the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) Notice of Public Hearing to Consider an Administrative Civil Liability Complaint.

Unless waived, a hearing before the Regional Board or a Regional Board Hearing Panel (Hearing Panel) will be held on this Complaint pursuant to California Water Code §§ 13228.14 and 13323. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to Complaint No. R4-2008-0091-M and return it to the Regional Board by 5:00 pm on **March 18, 2010**. If we do not receive the waiver and full payment of the mandatory minimum penalty by **March 18, 2010**, this matter will be heard before the Regional Board or Hearing Panel. The Notice of Public Hearing containing the date, time, location, and specific procedures of the hearing will be mailed to you prior to the hearing date.

If you have any questions regarding this matter, please contact Mr. Hugh Marley at (213) 620-6375 or Mr. Russ Colby at (213) 620-6373.

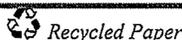
Sincerely,

Samuel Unger, P.E.  
Assistant Executive Officer

Enclosures: Complaint No. R4-2008-0091-M  
Exhibit "A"  
Notice of Public Hearing

cc: Ms. Laura Drabandt, Office of Enforcement, State Water Resources Control Board  
Ms. Tracy Egoscue, Los Angeles Regional Water Quality Control Board  
Mr. Michael Levy, Office of Chief Counsel, State Water Resources Control Board

**California Environmental Protection Agency**



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

<p><b>In the matter of:</b></p> <p><b>City of San Buenaventura</b></p> <p><b>Ventura Water Reclamation Facility</b></p> <p><b>San Buenaventura, California</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Complaint No. R4-2008-0091-M</b></p> <p><b>Mandatory Minimum Penalty for</b></p> <p><b>Violation of California Water Code § 13376</b></p> <p style="text-align: center;"><b>and</b></p> <p><b>Order Nos. 00-143, R4-2008-0011 &amp;</b></p> <p style="text-align: center;"><b>R4-2008-0012</b></p> <p style="text-align: center;"><b>(NPDES No. CA0053651)</b></p>
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This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385, subdivisions (h) & (i) is issued to the City of San Buenaventura (hereinafter Permittee) based on a finding of violations of waste discharge requirements prescribed in Order Nos. 00-143, R4-2008-0011 & R4-2008-0012 (NPDES No. CA0053651, CI No. 1822).

**The Assistant Executive Officer of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:**

1. The Permittee operates the Ventura Water Reclamation Facility (hereinafter facility) located at 1400 Spinnaker Drive, San Buenaventura in Ventura County. The Permittee discharges up to 14 million gallons per day (MGD) of tertiary-treated municipal wastewater from domestic, commercial, and industrial sources at the facility (Latitude 34°14'11", Longitude 119°15'31"). The wastewater is susceptible of containing coliform, copper (Cu), nickel (Ni), selenium (Se), ammonia nitrogen (NH<sub>3</sub>), nitrite as nitrogen (NO<sub>2</sub>), nitrite plus nitrate as nitrogen (NO<sub>2</sub> + NO<sub>3</sub>), and other pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The wastewater flows to the Santa Clara River Estuary, a navigable water of the United States.
  
2. On October 12, 2000, the Regional Board adopted Order No. 00-143 titled *Waste Discharge Requirements for City of San Buenaventura*. Board Order No. 00-143 served as National Pollutant Discharge Elimination System (NPDES) permit number CA0053651. Order No. 00-143 prescribed waste discharge requirements to the Permittee for the discharge of treated wastes from the facility from October 12, 2000 until March 6, 2008 when it was rescinded by the Regional Board Order No. R4-2008-0011.
  
3. Because the Permittee could not immediately comply with the effluent limitations set forth in Order No. 00-143 for copper (Cu), the Regional Board also adopted Order No. 00-144, on October 12, 2000. Order No. 00-144 is a Time Schedule Order (TSO) prescribing interim limits for Cu discharges that were higher than the limits set forth in Order No. 00-143. This TSO was amended three times (Order Nos. 01-058, R4-2002-0195, and R4-2003-0059), extending submittal dates of technical reports and ultimately providing the Permittee additional time to achieve full compliance with the final Cu limitation in Order No. 00-143.

4. On June 10, 2004, the Regional Board adopted TSO No. R4-2004-0095 prescribing higher limits for copper (Cu), lead (Pb), mercury (Hg), nickel (Ni), selenium (Se), zinc (Zn), cyanide (CN) and aldrin. TSO No. R4-2004-0095 rescinded all previous TSOs, except for enforcement purposes. On September 10, 2005, TSO No. R4-2004-0095 expired.
5. On March 9, 2006, the Regional Board adopted TSO No. R4-2006-0034 prescribing interim effluent limits for copper (Cu), nickel (Ni) and zinc (Zn). TSO No. R4-2006-0034 was set to expire on December 31, 2006.
6. On December 14, 2006, the Regional Board adopted TSO No. R4-2006-0093 prescribing interim effluent limits for copper (Cu) and nickel (Ni). On December 31, 2007, TSO No. R4-2006-0093 expired.
7. On March 6, 2008, the Regional Board adopted Order No. R4-2008-0011 titled *Waste Discharge Requirements for the City of San Buenaventura, Ventura Water Reclamation Facility, Discharge to the Santa Clara River Estuary via Discharge Outfall No. 001*. Board Order No. R4-2008-0011 serves as NPDES permit number CA0053651. Order No. R4-2008-0011 prescribes waste discharge requirements to the Permittee for the discharge of treated wastes from the facility. Order No. R4-2008-0011 is set to expire February 10, 2013. Order No. 00-143 was rescinded upon adoption of Order No. R4-2008-0011, except for enforcement purposes.
8. Because the Permittee could not immediately comply with the effluent limitations set forth in Order No. R4-2008-0011 for ammonia nitrogen (NH<sub>3</sub>), nitrite as nitrogen (NO<sub>2</sub>), and nitrite plus nitrate as nitrogen (NO<sub>2</sub> + NO<sub>3</sub>), the Regional Board also adopted TSO No. R4-2008-0012, on March 6, 2008. TSO No. R4-2008-0012 prescribes higher interim limits for ammonia nitrogen (NH<sub>3</sub>), nitrite as nitrogen (NO<sub>2</sub>), and nitrite plus nitrate as nitrogen (NO<sub>2</sub> + NO<sub>3</sub>) discharges. TSO No. R4-2008-0012 is set to expire on March 5, 2011.
9. Order No. 00-143, effective October 12, 2000 through March 6, 2008, includes the following effluent limitations for copper (Cu), nickel (Ni), selenium (Se), and coliform (Part I.B. pages 9-16):

Constituent	Unit of Measure	Discharge Limitations	
		Daily Maximum	Monthly Average
Cu	µg/L	2.9	2.0
Ni	µg/L	15.2	5.3
Se	µg/L	8.8	2.9
Coliform	MPN/100 mL	(a) 7-day median = 2.2 MPN/100 mL, (b) 30-day period = not to exceed 23 MPN/100 mL in > 1 sample	

µg/L = micrograms/liter, MPN/100 mL = Most Probable Number/ 100 milliliters

10. Order No. R4-2008-0011, effective March 6, 2008 through February 10, 2013, includes the following effluent limitations for copper (Cu), coliform and pH (Part IV.A.1.a. pages 18-19, Table 6):

Constituent	Unit of Measure	Discharge Limitations	
		Daily Maximum	Monthly Average
Cu	µg/L	8.8	4.2
Coliform	MPN/100 mL	(a) 7-day median = 2.2 MPN/100 mL, (b) 30-day period = not to exceed 23 MPN/100 mL in > 1 sample	
pH	S.U.	(a) Instantaneous Minimum = 6.5 (b) Instantaneous Maximum = 8.5	

µg/L = micrograms/liter, MPN/100 mL = Most Probable Number/ 100 milliliters, S.U. = Standard Units

11. TSO Order No. R4-2008-0012, effective March 6, 2008 through March 5, 2011 includes the following interim effluent limitations for ammonia nitrogen (NH<sub>3</sub>), nitrite as nitrogen (NO<sub>2</sub>), and nitrite plus nitrate as nitrogen (NO<sub>2</sub> + NO<sub>3</sub>) (page 4):

Constituent	Unit of Measure	Discharge Limitations	
		Daily Maximum	Monthly Average
Summer NH <sub>3</sub> (May – October)	mg/L	2.5	2.1
Winter NH <sub>3</sub> (November – April)	mg/L	3.6	3.0
NO <sub>2</sub>	mg/L	21	19
NO <sub>2</sub> + NO <sub>3</sub>	mg/L	21	19

mg/L = milligrams/liter

12. Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by CWC § 13376.
13. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit monthly NPDES self-monitoring reports to the Regional Board pursuant to the authority of CWC § 13383.
14. One hundred and seventy (170) violations of Order Nos. 00-143, R4-2008-0011, and R4-2008-0012 were noted in the Permittee's self-monitoring reports during the period February 2006 through December 2009. These violations include effluent limit exceedances for coliform, pH, copper (Cu), nickel (Ni), ammonia nitrogen (NH<sub>3</sub>), nitrite as nitrogen (NO<sub>2</sub>), selenium (Se), and nitrite plus nitrate as nitrogen (NO<sub>2</sub> + NO<sub>3</sub>). The violations are identified in Exhibit "A" attached hereto and incorporated herein by reference.
15. CWC § 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to CWC § 13385(h)(2) "a serious violation is defined as any waste discharge that violates the effluent limitations contained in the

applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants.”

16. CWC § 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the permittee violates a waste discharge requirement effluent limitation 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 within that time period.
17. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385(c) is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

**YOU ARE HEREBY GIVEN NOTICE THAT:**

18. The Assistant Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$492,000 for the violations which occurred during the February 2006 through December 2009 monitoring periods cited in Exhibit “A”. Refer to Exhibit “A” for the calculation of the amount of mandatory minimum penalty.
19. The Permittee may waive the right to a hearing and pay the recommended civil liability. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return it to the Regional Board by 5:00 pm on **March 18, 2010**. If the hearing is waived, a check in the amount of \$492,000 (payable to the State Water Pollution Cleanup and Abatement Account) must be received by the Regional Board by 5:00 pm on **March 18, 2010**.
20. If the Regional Board does not receive a waiver and full payment of the recommended penalty by **March 18, 2010**, the Complaint will be heard before the Regional Board or Regional Board Hearing Panel pursuant to California Water Code §§ 13228.14 and 13323. The Notice of Public Hearing contains that date, time, location, and specific procedures of the scheduled hearing of this matter.
21. If a hearing on this matter is held, the Regional Water Board will consider whether to affirm, reject, or modify (i.e. increase the proposed civil liability above the mandatory minimum) the proposed civil liability, or whether to refer the matter to the Attorney General for assessment of judicial civil liability.
22. There are no statutes of limitations that apply to administrative proceedings. The statutes of limitations that refer to “actions” and “special proceedings” and are contained in the California Code of Civil Procedure apply to judicial proceedings, not administrative proceeding. See *City of Oakland v. Public Employees’ Retirement System* (2002) 95 Cal. App. 4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.)
23. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee’s waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.

24. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
25. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.



Samuel Unger, P.E.  
Assistant Executive Officer  
Los Angeles Regional Water Quality Control Board

February 16, 2010

## WAIVER FORM

### FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2008-0091-M

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

I am duly authorized to represent the City of San Buenaventura (hereinafter "Permittee") in connection with Administrative Civil Liability Complaint No. R4-2008-0091-M (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

- (OPTION 1: Check here if the Permittee waives the hearing requirement and will pay the recommended liability.)*
- a. I hereby waive any right the Permittee may have to a hearing before the Regional Water Board.
  - b. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **\$492,000** by check that references "ACL Complaint No. R4-2008-0091-M" made payable to the "*Cleanup and Abatement Account*". Payment must be received by the Regional Water Board by **March 18, 2010** or this matter will be placed on the Regional Board's agenda for a hearing as initially proposed in the Complaint.
  - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Chief Deputy Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Permittee having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
  - d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Permittee to further enforcement, including additional civil liability.

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

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(Print Name and Title)

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(Signature)

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(Date)

**HEARING PANEL OF THE  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013  
(213) 576-6600

ACLC R4-2008-0091-M

**NOTICE OF PUBLIC HEARING**

**TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR  
MANDATORY MINIMUM PENALTY AND PROPOSE RECOMMENDATIONS**

<u>DISCHARGER</u>	<u>DISCHARGE LOCATION</u>	<u>RECEIVING WATERS</u>
City of San Buenaventura Ventura Wastewater Reclamation Facility	1400 Spinnaker Drive Ventura, California	Santa Clara River

Administrative Civil Liability Complaint for Mandatory Minimum Penalty (“ACLC”) No. R4-2008-0091-M alleges that the City of San Buenaventura (Permittee) has violated waste discharge requirements contained in Regional Board Order Nos. 00-143, R4-2008-0011 and R4-2008-0012 by failing to comply with effluent limitations during the period February 2006 through December 2009. During this period, one hundred and seventy (170) violations of Order Nos. 00-143, R4-2008-0011 and R4-2008-0012 were noted in the Permittee’s self-monitoring reports. As stated in the ACLC, Regional Board staff, represented by the Regional Board Staff Prosecution Team (Prosecution Team), recommends that a penalty of \$492,000 be assessed against the City of San Buenaventura for these violations.

Pursuant to Water Code section 13228.14, a Hearing Panel consisting of three members of the California Regional Water Quality Control Board, Los Angeles Region (“Regional Board”) will convene a hearing to hear evidence, determine facts, and to propose a recommendation to the Regional Board about resolution of the ACLC.

This notice sets forth procedures to be used by hearing panels of the Regional Board and outlines the process to be used at this hearing.

**I. HEARING DATE AND LOCATION**

Date: May 17, 2010  
Time: 10:00 A.M.  
Place: 320 W. 4<sup>th</sup> Street  
Los Angeles, CA 90013  
Room location TBD

## **II. AVAILABILITY OF DOCUMENTS**

The ACLC, related documents, proposed order, comments received, and other information about the subject of the ACLC are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. at the following address:

California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Arrangements for file review and/or copies of the documents may be made by calling the Los Angeles Regional Board at (213) 576-6600.

The entire file will become a part of the administrative record of this proceeding, irrespective of whether individual documents are specifically referenced during the hearing. However, the entire file might not be available at the hearing. Should any parties or interested persons desire that the Prosecution Team bring to the hearing any particular documents that are not included in the Hearing Panel binder, they must submit a written or electronic request to the Prosecution Team during business hours, not later than **April 27, 2010**. The request must identify the documents with enough specificity for the Prosecution Team to locate them. (Documents in the Hearing Panel binder will be present at the hearing.)

## **III. NATURE OF HEARING**

This will be a formal adjudicative hearing pursuant to part 648 et seq. of title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) relating to formal adjudicative hearings does not apply to adjudicative hearings before the Regional Board, except as otherwise specified in the above-referenced regulations.

## **IV. PARTIES TO THE HEARING**

The following are the parties to this proceeding:

1. City of San Buenaventura
2. Regional Board Staff Prosecution Team

All other persons who wish to participate in the hearing as a designated party shall request party status by submitting a written or electronic request to the Legal Advisor to the Hearing Panel identified in section VIII below no later than **April 5, 2010**. The request shall include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the hearing and the potential actions by the Regional Board affect the person), and a statement explaining why the party or parties designated above do not adequately represent the person's interest. The requesting party

will be notified before the hearing whether the request is granted. All parties will be notified if other persons are so designated.

## **V. COMMUNICATIONS WITH THE PROSECUTION TEAM**

The California Administrative Procedure Act requires the Regional Board to separate prosecutorial and adjudicative functions in matters that are prosecutorial in nature. A Prosecution Team, comprised of the Regional Board enforcement and other staff, will serve as the complainant in the proceedings and is a designated party. The Case Manager over this matter, who will coordinate the efforts of the Prosecution Team, is Mr. Russ Colby. Ms. Laura Drabandt, Staff Counsel from the State Water Resources Control Board's Office of Enforcement will advise the Prosecution Team prior to and at the panel hearing. Neither Ms. Drabandt nor the members of the Prosecution Team will be advising the Regional Board in this matter or have engaged in any substantive conversations regarding the issues involved in this proceeding with any of the Board Members or the advisors to the hearing panel (identified below).

Any communication with the Prosecution Team prior to the hearing should be directed to the Case Manager:

Russ Colby  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013  
(213) 620-6373  
[rcolby@waterboards.ca.gov](mailto:rcolby@waterboards.ca.gov)

## **VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE**

### **A. Submittals By Parties.**

Not later than **March 26, 2010**, the prosecution Team will send the parties a preliminary Hearing Panel binder containing the most pertinent documents related to this proceeding and a PowerPoint presentation, which summarizes the evidence and testimony that the Prosecution Team will present and rely upon at the hearing.

The City of San Buenaventura and other designated parties are required to submit:

- 1) Any additional documents or evidence the Party/ies want(s) the Hearing Panel to consider,
- 2) A summary of any testimony the Party/ies intend(s) to present, and
- 3) A statement regarding how much time the Party/ies need(s) to present the case to the attention of the Case Manager of the Prosecution Team (as identified above) and other designated parties no later than close of business on **April 19, 2010**. The Prosecution Team shall have the right to present additional evidence in rebuttal of matters submitted by any other party.

The Prosecution Team will send to the Hearing Panel and the parties a final Hearing Panel binder no later than **May 6, 2010**.

**B. Submittals By Interested Persons.**

Persons who are not designated as parties, above, that wish to comment upon or object to the proposed ACLC, or submit evidence for the Hearing Panel to consider, are invited to submit them in writing to the Prosecution Team (as identified above). To be evaluated and responded to by Prosecution Team, included in the final Hearing Panel binder, and fully considered by the Hearing Panel in advance of the hearing, any such written materials must be received no later than **March 18, 2010**. If possible, please submit written comments in Word format electronically to rcolby@waterboards.ca.gov. Interested persons should be aware the Regional Board is entitled to settle this matter without further notice, and therefore a timely submittal by this date may be the only opportunity to comment upon the subject of this ACLC. If the hearing proceeds as scheduled, the Hearing Panel will also receive oral comments from any person during the hearing (see below).

**VII. HEARING PROCEDURES**

Adjudicative proceedings before the Hearing Panel generally will be conducted in the following order:

- Opening statement by Hearing Panel Chair
- Administration of oath to persons who intend to testify
- Prosecution Team presentation
- Discharger presentation
- Designated parties' presentation (if applicable)
- Interested persons' comments
- Prosecution Team rebuttal
- Questions from Hearing Panel
- Deliberations (in open or closed session)
- Announcement of recommendation to the Regional Board

While this is a formal administrative proceeding, the Hearing Panel does not generally require the cross examination of witness, or other procedures not specified in this notice, that might typically be expected of parties in a courtroom.

Parties will be advised by the Hearing Panel after the receipt of public comments, but prior to the date of the hearing, of the amount of time each party will be allocated for presentations. That decision will be based upon the complexity and the number of issues under consideration, the extent to which the parties have coordinated, the number of parties and interested persons anticipated, and the time available for the hearing. The parties should contact the Case Manager not later than **April 19, 2010** to state how much time they believe is necessary for their presentations (see Section VI. A above). It is the Regional Board's intent that reasonable requests be accommodated.

Interested persons are invited to attend the hearing and present oral comments. Interested persons may be limited to approximately five (5) minutes each, for their presentations, in the discretion of the Chair, depending on the number of persons wishing to be heard. Persons with similar concerns or opinions are encouraged to choose one representative to speak.

For accuracy of the record, all important testimony should be in writing, and delivered as set forth above. The Hearing Panel will include in the administrative record written transcriptions of oral testimony or comments made at the hearing.

## **VIII. COMMUNICATIONS WITH THE HEARING PANEL**

### **A. Ex Parte Communications Prohibited.**

As an adjudicative proceeding, Regional Board members and their advisors may not discuss the subject of this hearing with any person, except during the public hearing itself, except in the limited circumstances and manner described in this notice. **Any communications to the Regional Board, Hearing Panel, or Hearing Panel Advisors before the hearing must also be copied to the Prosecution Team and other Party(ies), as identified above.**

### **B. Hearing Panel Advisors.**

The Hearing Panel will be advised before and during the hearing by Executive Officer Tracy Egoscue, and a Legal Advisor, Michael Levy, Senior Staff Counsel for the Regional Board. While Ms. Egoscue exercises general oversight over the staff's enforcement activities, neither she nor Mr. Levy have exercised any authority or discretion over the Prosecution Team, or advised them with respect to this matter.

### **C. Objections to manner of hearing and resolution of any other issues.**

1. Parties or interested persons with procedural requests different from or outside of the scope of this notice should contact the Case Manager at any time, who will try to accommodate the requests. Agreements between a party and the Prosecution Team will generally be accepted by the Hearing Panel as stipulations.
2. Objections to (a) any procedure to be used or not used during this hearing, (b) any documents or other evidence submitted by the Prosecution Team, or (c) any other matter set forth in this notice, must be submitted in writing no later than **April 19, 2010** to the Legal Advisor to the Hearing Panel:

Michael Levy  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor  
Sacramento, CA 95814  
(916) 341-5193  
[mlevy@waterboards.ca.gov](mailto:mlevy@waterboards.ca.gov)

**Untimely objections will be deemed waived. Procedural objections about the matters contained in this notice will not be entertained at the hearing. Further, except as otherwise stipulated, any procedure not specified in this hearing notice will be deemed waived pursuant to section 648(d) of Title 23 of the California Code of Regulations, unless a timely objection is filed.**

3. Any issues outside the scope of those described in section C.2, above, that cannot be resolved by stipulation shall be brought to the attention of the Legal Advisor to the Hearing Panel, as set forth in section C.2, by **April 19, 2010** if possible, and if not possible, then at the earliest possible time with an explanation about why the issue could not have been raised sooner.

#### **IX. APPLICABILITY OF NOTICE**

The Executive Officer has directed the use of this standard notice in an order dated March 5, 2008. If you have any questions about this Notice of Public Hearing, please contact as appropriate, the Case Manager of the Prosecution Team, or the Legal Advisor to the Hearing Panel as described above.

Date: February 16, 2010

**EXHIBIT "A"**  
**Violation Summary**

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
02/03/06	February 2006	Daily Maximum	Se	10.4	8.8	ug/L	2	18%	Chronic	(i)1	\$0
02/03/06	February 2006	Monthly Average	Se	10.4	2.9	ug/L	2	259%	Serious	(h)1	\$3,000
05/10/06	May 2006	Monthly Average	Se	6.7	2.9	ug/L	2	131%	Serious	(h)1	\$3,000
09/03/06	September 2006	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$0
09/04/06	September 2006	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$0
09/05/06	September 2006	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
12/02/06	December 2006	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
12/03/06	December 2006	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
12/04/06	December 2006	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
12/05/06	December 2006	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
08/12/07	August 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$0
08/13/07	August 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$0
08/14/07	August 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$0
08/15/07	August 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
08/16/07	August 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/25/07	September 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/26/07	September 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/27/07	September 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/28/07	September 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/29/07	September 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/30/07	September 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/01/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/02/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/03/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/04/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/05/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/06/07	October 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/09/07	October 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/10/07	October 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/11/07	October 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/12/07	October 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/13/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/14/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000

**EXHIBIT "A"**  
**Violation Summary**

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
10/15/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
10/16/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
10/17/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
10/18/07	October 2007	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
10/19/07	October 2007	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
11/19/07	November 2007	30-day	Coliform	80	23	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
02/01/08	February 2008	Daily Maximum	Ni	27.4	15.2	ug/L	2	80%	Serious	(h)1	\$3,000
02/01/08	February 2008	Daily Maximum	Cu	7.8	2.9	ug/L	2	169%	Serious	(h)1	\$3,000
02/29/08	February 2008	Daily Maximum	Cu	6.9	2.9	ug/L	2	138%	Serious	(h)1	\$3,000
02/29/08	February 2008	Monthly Average	Ni	16.7	5.3	ug/L	2	215%	Serious	(h)1	\$3,000
02/29/08	February 2008	Monthly Average	Cu	7.4	2	ug/L	2	270%	Serious	(h)1	\$3,000
03/12/08	March 2008	Monthly Average	Cu	5	4.2	ug/L	2	19%	Chronic	(f)1	\$3,000
08/24/08	August 2008	30-day	Coliform	90	23	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/25/08	August 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/26/08	August 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/26/08	August 2008	30-day	Coliform	50	23	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/27/08	August 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/28/08	August 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/29/08	August 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/30/08	August 2008	7-day Median	Coliform	23	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/30/08	August 2008	30-day	Coliform	110	23	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/30/08	August 2008	Instantaneous Minimum	pH	6.39	6.5	pH Units	NA	NA	Chronic	(f)1	\$3,000
08/31/08	August 2008	7-day Median	Coliform	23	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
08/31/08	August 2008	30-day	Coliform	27	23	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
09/01/08	September 2008	7-day Median	Coliform	13	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
09/02/08	September 2008	7-day Median	Coliform	13	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
09/03/08	September 2008	7-day Median	Coliform	13	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
09/04/08	September 2008	7-day Median	Coliform	13	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
09/05/08	September 2008	7-day Median	Coliform	13	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
09/06/08	September 2008	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
09/07/08	September 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
10/12/08	October 2008	7-day Median	Coliform	7	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000
10/13/08	October 2008	7-day Median	Coliform	7	2.2	MPN/100 mL	NA	NA	Chronic	(f)1	\$3,000

**EXHIBIT "A"**  
**Violation Summary**

City of San Buenaventura  
Ventura Water Reclamation Facility  
CI No. 1822

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
10/14/08	October 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/15/08	October 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/16/08	October 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/17/08	October 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/18/08	October 2008	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
12/24/08	December 2008	Daily Maximum*	NO <sub>3</sub>	21.5	21	mg/L	1	2%	Chronic	(i)1	\$3,000
01/07/09	January 2009	Daily Maximum*	NO <sub>3</sub>	24.3	21	mg/L	1	16%	Chronic	(i)1	\$3,000
01/07/09	January 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	24.3	21	mg/L	1	16%	Chronic	(i)1	\$3,000
01/28/09	January 2009	Daily Maximum*	NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
01/28/09	January 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
01/31/09	January 2009	Monthly Average*	NO <sub>3</sub>	21.3	19	mg/L	1	12%	Chronic	(i)1	\$3,000
01/31/09	January 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	21.3	19	mg/L	1	12%	Chronic	(i)1	\$3,000
02/04/09	February 2009	Daily Maximum*	NO <sub>3</sub>	21.6	21	mg/L	1	3%	Chronic	(i)1	\$3,000
02/04/09	February 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	21.6	21	mg/L	1	3%	Chronic	(i)1	\$3,000
02/11/09	February 2009	Daily Maximum*	NO <sub>3</sub>	22.6	21	mg/L	1	8%	Chronic	(i)1	\$3,000
02/11/09	February 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.6	21	mg/L	1	8%	Chronic	(i)1	\$3,000
02/25/09	February 2009	Daily Maximum*	NO <sub>3</sub>	21.6	21	mg/L	1	3%	Chronic	(i)1	\$3,000
02/25/09	February 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	21.6	21	mg/L	1	3%	Chronic	(i)1	\$3,000
02/28/09	February 2009	Monthly Average*	NO <sub>3</sub>	20.6	19	mg/L	1	8%	Chronic	(i)1	\$3,000
02/28/09	February 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	20.6	19	mg/L	1	8%	Chronic	(i)1	\$3,000
03/02/09	March 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
03/03/09	March 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
03/04/09	March 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
03/04/09	March 2009	Daily Maximum*	NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
03/04/09	March 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
03/11/09	March 2009	Daily Maximum*	NO <sub>3</sub>	22.1	21	mg/L	1	5%	Chronic	(i)1	\$3,000
03/11/09	March 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.1	21	mg/L	1	5%	Chronic	(i)1	\$3,000
03/25/09	March 2009	Daily Maximum*	NO <sub>3</sub>	21.9	21	mg/L	1	4%	Chronic	(i)1	\$3,000
03/25/09	March 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	21.9	21	mg/L	1	4%	Chronic	(i)1	\$3,000
03/31/09	March 2009	Monthly Average*	NO <sub>3</sub>	21.9	19	mg/L	1	15%	Chronic	(i)1	\$3,000

\*Exceedance of TSO Order No. R4-2008-0012

**EXHIBIT "A"**  
**Violation Summary**

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
03/31/09	March 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	21.9	19	mg/L	1	15%	Chronic	(i)1	\$3,000
04/01/09	April 2009	Daily Maximum*	NO <sub>3</sub>	22.6	21	mg/L	1	8%	Chronic	(i)1	\$3,000
04/01/09	April 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.6	21	mg/L	1	8%	Chronic	(i)1	\$3,000
04/15/09	April 2009	Daily Maximum*	NO <sub>3</sub>	21.5	21	mg/L	1	2%	Chronic	(i)1	\$3,000
04/15/09	April 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	21.5	21	mg/L	1	2%	Chronic	(i)1	\$3,000
04/29/09	April 2009	Daily Maximum*	NO <sub>3</sub>	22.6	21	mg/L	1	8%	Chronic	(i)1	\$3,000
04/29/09	April 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.6	21	mg/L	1	8%	Chronic	(i)1	\$3,000
04/30/09	April 2009	Monthly Average*	NO <sub>3</sub>	21.7	19	mg/L	1	14%	Chronic	(i)1	\$3,000
04/30/09	April 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	21.7	19	mg/L	1	14%	Chronic	(i)1	\$3,000
05/13/09	May 2009	Daily Maximum*	NO <sub>3</sub>	22.7	21	mg/L	1	8%	Chronic	(i)1	\$3,000
05/13/09	May 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.7	21	mg/L	1	8%	Chronic	(i)1	\$3,000
05/31/09	May 2009	Monthly Average*	NO <sub>3</sub>	19.7	19	mg/L	1	4%	Chronic	(i)1	\$3,000
05/31/09	May 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	19.7	19	mg/L	1	4%	Chronic	(i)1	\$3,000
06/24/09	June 2009	Daily Maximum*	NO <sub>3</sub>	21.6	21	mg/L	1	3%	Chronic	(i)1	\$3,000
06/24/09	June 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	21.6	21	mg/L	1	3%	Chronic	(i)1	\$3,000
07/01/09	July 2009	Daily Maximum*	NO <sub>3</sub>	22.8	21	mg/L	1	9%	Chronic	(i)1	\$3,000
07/01/09	July 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.8	21	mg/L	1	9%	Chronic	(i)1	\$3,000
07/02/09	July 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
07/03/09	July 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
07/04/09	July 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
07/05/09	July 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
07/06/09	July 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
07/07/09	July 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
07/31/09	July 2009	Monthly Average*	NO <sub>3</sub>	20.5	19	mg/L	1	8%	Chronic	(i)1	\$3,000
07/31/09	July 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	20.5	19	mg/L	1	8%	Chronic	(i)1	\$3,000
08/24/09	August 2009	Daily Maximum*	NO <sub>3</sub>	21.8	21	mg/L	1	4%	Chronic	(i)1	\$3,000
08/24/09	August 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	21.8	21	mg/L	1	4%	Chronic	(i)1	\$3,000
08/31/09	August 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/01/09	September 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/02/09	September 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000

**EXHIBIT "A"**  
**Violation Summary**

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
09/03/09	September 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/04/09	September 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/05/09	September 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/06/09	September 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/07/09	September 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/08/09	September 2009	7-day Median	Coliform	4	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
09/09/09	September 2009	Daily Maximum*	NH <sub>3</sub>	5.1	2.5	mg/L	1	104%	Serious	(h)1	\$3,000
09/10/09	September 2009	Daily Maximum*	NH <sub>3</sub>	3.3	2.5	mg/L	1	32%	Chronic	(i)1	\$3,000
09/23/09	September 2009	Daily Maximum*	NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
09/23/09	September 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
09/30/09	September 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	19.5	19	mg/L	1	3%	Chronic	(i)1	\$3,000
09/30/09	September 2009	Daily Maximum*	NO <sub>3</sub>	21.7	21	mg/L	1	3%	Chronic	(i)1	\$3,000
09/30/09	September 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.6	21	mg/L	1	8%	Chronic	(i)1	\$3,000
10/07/09	October 2009	Daily Maximum*	NO <sub>3</sub>	24.3	21	mg/L	1	16%	Chronic	(i)1	\$3,000
10/07/09	October 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	24.3	21	mg/L	1	16%	Chronic	(i)1	\$3,000
10/14/09	October 2009	Daily Maximum*	NO <sub>3</sub>	23.0	21	mg/L	1	10%	Chronic	(i)1	\$3,000
10/14/09	October 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	23.0	21	mg/L	1	10%	Chronic	(i)1	\$3,000
10/16/09	October 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/17/09	October 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/18/09	October 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/19/09	October 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/20/09	October 2009	7-day Median	Coliform	8	2.2	MPN/100 mL	NA	NA	Chronic	(i)1	\$3,000
10/21/09	October 2009	Daily Maximum*	NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
10/21/09	October 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.2	21	mg/L	1	6%	Chronic	(i)1	\$3,000
10/31/09	October 2009	Monthly Average*	NO <sub>3</sub>	22.6	19	mg/L	1	19%	Chronic	(i)1	\$3,000
10/31/09	October 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	22.6	19	mg/L	1	19%	Chronic	(i)1	\$3,000
11/04/09	November 2009	Daily Maximum*	NO <sub>3</sub>	24.7	21	mg/L	1	18%	Chronic	(i)1	\$3,000
11/04/09	November 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	24.7	21	mg/L	1	18%	Chronic	(i)1	\$3,000
11/10/09	November 2009	Daily Maximum*	NO <sub>3</sub>	22.4	21	mg/L	1	7%	Chronic	(i)1	\$3,000
11/10/09	November 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.4	21	mg/L	1	7%	Chronic	(i)1	\$3,000

**EXHIBIT "A"**  
**Violation Summary**

City of San Buenaventura  
Ventura Water Reclamation Facility  
CI No. 1822

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
11/18/09	November 2009	Daily Maximum*	NO <sub>3</sub>	24.1	21	mg/L	1	15%	Chronic	(i)1	\$3,000
11/18/09	November 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	24.1	21	mg/L	1	15%	Chronic	(i)1	\$3,000
11/25/09	November 2009	Daily Maximum*	NO <sub>3</sub>	21.9	21	mg/L	1	4%	Chronic	(i)1	\$3,000
11/25/09	November 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	21.9	21	mg/L	1	4%	Chronic	(i)1	\$3,000
11/30/09	November 2009	Monthly Average*	NO <sub>3</sub>	23.3	19	mg/L	1	23%	Chronic	(i)1	\$3,000
11/30/09	November 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	23.3	19	mg/L	1	23%	Chronic	(i)1	\$3,000
12/09/09	December 2009	Daily Maximum*	NO <sub>3</sub>	23.7	21	mg/L	1	13%	Chronic	(i)1	\$3,000
12/09/09	December 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	23.7	21	mg/L	1	13%	Chronic	(i)1	\$3,000
12/16/09	December 2009	Daily Maximum*	NO <sub>3</sub>	22.3	21	mg/L	1	6%	Chronic	(i)1	\$3,000
12/16/09	December 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.3	21	mg/L	1	6%	Chronic	(i)1	\$3,000
12/23/09	December 2009	Daily Maximum*	NO <sub>3</sub>	22.0	21	mg/L	1	5%	Chronic	(i)1	\$3,000
12/23/09	December 2009	Daily Maximum*	NO <sub>2</sub> +NO <sub>3</sub>	22.0	21	mg/L	1	5%	Chronic	(i)1	\$3,000
12/31/09	December 2009	Monthly Average*	NO <sub>3</sub>	21.5	19	mg/L	1	13%	Chronic	(i)1	\$3,000
12/31/09	December 2009	Monthly Average*	NO <sub>2</sub> +NO <sub>3</sub>	21.5	19	mg/L	1	13%	Chronic	(i)1	\$3,000
										<b>Total</b>	<b>\$492,000</b>