



Los Angeles Regional Water Quality Control Board

March 12, 2013

Mr. Andres Lopez
Owens-Illinois, Inc.
One Michael Owens Way
Perrysburg, Ohio 43551-2999

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Claim No. 7009 2820 0001 6537 8310

SETTLEMENT OFFER NO. R4-2013-0028: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR OWENS-ILLINOIS, INC., OWENS-BROCKWAY GLASS CONTAINER INC., 2901 FRUITLAND AVENUE, VERNON, CA 90058 (ORDER NO. R4-2013-0028, NPDES PERMIT NO. CA0056464, CI NO. 6079)

Dear Mr. Lopez:

This letter is to notify Owens-Illinois, Inc. (hereinafter "Permittee or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address liability that may be assessed pursuant to California Water Code sections 13385 and 13385.1.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of March 1, 2013, the Regional Board alleges that the Permittee has violated the effluent limitations, reporting violations, or California Water Code provisions identified in the Notice of Violation (NOV) attached as Exhibit "A". The Permittee will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to sections 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The Permittee is subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be

assessed by the Regional Board beginning with the date that the violations first occurred.¹ The formal enforcement action that the Regional Board uses to assess such liability is an administrative civil liability complaint, although the Regional Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

The Permittee can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Regional Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the Regional Board makes this Conditional Offer. The Permittee may accept this offer, waive the Permittee's right to a hearing, and pay the mandatory minimum penalty of \$396,000 for the violations described in the NOV. If the Permittee elects to do so, subject to the conditions below, the Regional Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the NOV. Accordingly, the Regional Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NOV.

The Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified in the NOV regardless of the date that the violation occurred.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **April 11, 2013**.

If the Permittee chooses to contest any of the violations alleged in the NOV, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date specified above.

Responses contesting any of the violations alleged in the NOV shall be submitted as a pdf via email or as a compact disc via U.S. postal mail to Ms. Pansy Yuen, Los Angeles Regional Water Quality Control Board, 320 West 4th Street, Suite 200, Los Angeles, CA 90013, pyuen@waterboards.ca.gov, (213) 620-6367, and submitted by you under penalty of perjury.

¹ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. 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.)

The Regional Board staff will evaluate the contested violation and take one of two actions:

- 1) The Regional Board staff will determine that the violation is not supported, expunge the alleged violation from the CIWQS database, take no further action against the Permittee for the alleged violation, and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
- 2) The Regional Board staff will determine that the alleged violation is meritorious, and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver.

If the Permittee chooses not to make a payment in response to the Regional Board staff's determination, the Permittee should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor that can be considered in assessing the liability amount.

CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the Regional Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, the Regional Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Regional Board, the Regional Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and 13385.1.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Regional Board Executive Officer, full payment of the assessed amount shall be due within ten (10) calendar days

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after the Permittee's receipt of the notice of the Regional Board Executive Officer's execution. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$396,000 liability shall be paid by cashiers or certified check for \$396,000 made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

Should you have any questions about this Conditional Offer or Notice of Violation, please contact Enforcement Unit staff Ms. Pansy Yuen at (213) 620-6367 or at pyuen@waterboards.ca.gov regarding this matter.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosures:

Exhibit "A" - Notice of Violation
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)
Order

cc: See Attached Mailing List

[via e-mail only]
Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board
Vanessa Young, Office of Enforcement, State Water Resources Control Board

MAILING LIST

[Certified Mail Return Receipt Requested Claim No. 7009 2820 0001 6537 8600]

Mr. Dean A. Harris
Plant Manager
Owens-Brockway Glass Container Inc.
2901 Fruitland Avenue
Vernon, CA 90058
dean.harris@o-i.com

[Certified Mail Return Receipt Requested Claim No. 7010 2820 0001 6537 8600]

CT Corporation System
Agent for Service of Process for
Owens-Brockway Glass Container Inc.
818 W. Seventh Street
Los Angeles, CA 90017

VIA OVERNIGHT MAIL and
E-Mail

September 5, 2013

Ms. Pansy Yuen, Enforcement Unit
Expedited Payment Program
Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

RE: Owens-Illinois, Inc., Owens-Brockway Glass Container, Inc., 2901 Fruitland Avenue,
Vernon, CA 90058, "Owens" Settlement Offer No. R4-2013-0028 (CI No. 6079, NPDES
Permit No. CA0056464, Order No. R4-2010-0087) Revised Acceptance of Conditional
Resolution and Waiver of Right to Hearing; (proposed) Order: "Acceptance and Waiver"

Dear Ms. Yuen,

Enclosed is the Acceptance and Waiver that was attached to Paula Rasmussen's July 29, 2013
letter. Owens has revised and signed the Acceptance and Waiver pursuant to Andrew
Tauriainen's August 29, 2013 e-mail to Steve O'Neil.

If you have any questions, please do not hesitate to call the undersigned at 567-336-8699.

Sincerely,



Susan L. Smith, Counsel
Owens-Illinois, Inc.
Encl.

Settlement Offer No. R4-2013-0028
CI No. 6079, NPDES Permit No. CA0056464

**REVISED ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Owens-Illinois, Inc.
Settlement Offer No. R4-2013-0028
NPDES Permit No. CA0056464

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), Owens-Illinois, Inc. (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$453,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Ms. Pansy Yuen, Enforcement Unit
Expedited Payment Program
Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

Settlement Offer No. R4-2013-0028
CI No. 6079, NPDES Permit No. CA0056464

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$453,000 liability shall be paid by a cashier's or certified check for \$453,000 made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the Regional Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Regional Board Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Owens-Illinois, Inc.

By: 
(Signed Name)

September 5, 2013
(Date)

Brian Brandstatter
(Printed Name)

VP Manufacturing - West, North America
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____
Samuel Unger, P.E.
Executive Officer

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/ Chronic	Water Code Section 13385	Penalty
12/20/10	002	4th Quarter 2010	Daily Maximum	Total Lead	120	102	ug/L	2	18%	Chronic	(i)1	\$0
12/20/10	002	4th Quarter 2010	Daily Maximum	Total Recoverable Copper	33	28	ug/L	2	18%	Chronic	(i)1	\$0
12/20/10	001	4th Quarter 2010	Daily Maximum	Total Recoverable Arsenic	13	10	ug/L	2	30%	Serious	(h)1	\$3,000
12/20/10	001	4th Quarter 2010	Daily Maximum	Total Recoverable Selenium	480	10	ug/L	2	4700%	Serious	(h)1	\$3,000
12/20/10	001	4th Quarter 2010	Daily Maximum	Total Recoverable Zinc	890	261	ug/L	2	241%	Serious	(h)1	\$3,000
12/20/10	001	4th Quarter 2010	Daily Maximum	Total Cadmium	12	5	ug/L	2	140%	Serious	(h)1	\$3,000
12/20/10	001	4th Quarter 2010	Daily Maximum*	TCDD Equivalents	3.48	0.028	pg/L	2	12329%	Serious	(h)1	\$3,000
12/20/10	002	4th Quarter 2010	Daily Maximum	Total Recoverable Selenium	34	10	ug/L	2	240%	Serious	(h)1	\$3,000
12/20/10	002	4th Quarter 2010	Daily Maximum*	TCDD Equivalents	14.63	0.028	pg/L	2	52150%	Serious	(h)1	\$3,000
12/20/10	002	4th Quarter 2010	Daily Maximum	Total Recoverable Zinc	740	261	ug/L	2	184%	Serious	(h)1	\$3,000
12/31/10	001	4th Quarter 2010	Monthly Average*	Total Recoverable Zinc	890	130	ug/L	2	585%	Serious	(h)1	\$3,000
12/31/10	001	4th Quarter 2010	Monthly Average*	Total Cadmium	12	3	ug/L	2	300%	Serious	(h)1	\$3,000
12/31/10	001	4th Quarter 2010	Monthly Average*	Total Recoverable Copper	17	14	ug/L	2	21%	Serious	(h)1	\$3,000
12/31/10	001	4th Quarter 2010	Monthly Average*	TCDD Equivalents	3.48	0.014	pg/L	2	24757%	Serious	(h)1	\$3,000
12/31/10	002	4th Quarter 2010	Monthly Average*	Total Lead	120	51	ug/L	2	135%	Serious	(h)1	\$3,000
12/31/10	002	4th Quarter 2010	Monthly Average*	Total Recoverable Copper	33	14	ug/L	2	136%	Serious	(h)1	\$3,000
12/31/10	002	4th Quarter 2011	Monthly Average*	Total Recoverable Zinc	740	130	ug/L	2	469%	Serious	(h)1	\$3,000
12/31/10	002	4th Quarter 2011	Monthly Average*	TCDD Equivalents	14.63	0.014	pg/L	2	104400%	Serious	(h)1	\$3,000
11/04/11	001	4th Quarter 2011	Daily Maximum	Total Suspended Solids	100	75	mg/L	1	33%	Chronic	(i)1	\$0
11/04/11	001	4th Quarter 2011	Daily Maximum	Fluoride	1.2	1.0	mg/L	1	20%	Chronic	(i)1	\$0
11/04/11	002	4th Quarter 2011	Daily Maximum	Turbidity	120	75	NTU	OEV	60%	Chronic	(i)1	\$0
11/04/11	002	4th Quarter 2011	Daily Maximum	Total Lead	120	102	ug/L	2	18%	Chronic	(i)1	\$3,000
11/04/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Arsenic	110	10	ug/L	2	1000%	Serious	(h)1	\$3,000
11/04/11	001	4th Quarter 2011	Daily Maximum	Total Cadmium	40	5	ug/L	2	700%	Serious	(h)1	\$3,000
11/04/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Copper	87	28	ug/L	2	211%	Serious	(h)1	\$3,000
11/04/11	001	4th Quarter 2011	Daily Maximum	Total Lead	330	102	ug/L	2	224%	Serious	(h)1	\$3,000
11/04/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Selenium	3100	10	ug/L	2	30900%	Serious	(h)1	\$3,000
11/04/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Zinc	2100	261	ug/L	2	705%	Serious	(h)1	\$3,000
11/04/11	002	4th Quarter 2011	Daily Maximum	Total Suspended Solids	150	75	mg/L	1	100%	Serious	(h)1	\$3,000
11/04/11	002	4th Quarter 2011	Daily Maximum	Total Recoverable Arsenic	17	10	ug/L	2	70%	Serious	(h)1	\$3,000
11/04/11	002	4th Quarter 2011	Daily Maximum	Total Recoverable Copper	38	28	ug/L	2	36%	Serious	(h)1	\$3,000
11/04/11	002	4th Quarter 2011	Daily Maximum	Total Recoverable Selenium	530	10	ug/L	2	5200%	Serious	(h)1	\$3,000
11/04/11	002	4th Quarter 2011	Daily Maximum	Total Recoverable Zinc	910	261	ug/L	2	249%	Serious	(h)1	\$3,000
11/30/11	001	4th Quarter 2011	Monthly Average*	Total Suspended Solids	100	50	mg/L	1	100%	Serious	(h)1	\$3,000
11/30/11	001	4th Quarter 2011	Monthly Average*	Turbidity	73	50	NTU	OEV	46%	Chronic	(i)1	\$3,000
11/30/11	001	4th Quarter 2011	Monthly Average*	Total Cadmium	40	3	ug/L	2	1233%	Serious	(h)1	\$3,000

* Staff Calculation

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/ Chronic	Water Code Section 13385	Penalty
11/30/11	001	4th Quarter 2011	Monthly Average*	Total Recoverable Copper	87	14	ug/L	2	521%	Serious	(h)1	\$3,000
11/30/11	001	4th Quarter 2011	Monthly Average*	Total Lead	330	51	ug/L	2	547%	Serious	(h)1	\$3,000
11/30/11	001	4th Quarter 2011	Monthly Average*	Total Recoverable Zinc	2100	130	ug/L	2	1515%	Serious	(h)1	\$3,000
11/30/11	001	4th Quarter 2011	Monthly Average*	Bis(2-ethylhexyl)phthalate	7	6	ug/L	2	17%	Chronic	(i)1	\$3,000
11/30/11	002	4th Quarter 2011	Monthly Average*	Total Suspended Solids	150	50	mg/L	1	200%	Serious	(h)1	\$3,000
11/30/11	002	4th Quarter 2011	Monthly Average*	Turbidity	120	50	NTU	OEV	140%	Chronic	(i)1	\$3,000
11/30/11	002	4th Quarter 2011	Monthly Average*	Total Cadmium	5.4	3	ug/L	2	80%	Serious	(h)1	\$3,000
11/30/11	002	4th Quarter 2011	Monthly Average*	Total Recoverable Copper	38	14	ug/L	2	171%	Serious	(h)1	\$3,000
11/30/11	002	4th Quarter 2011	Monthly Average*	Total Lead	120	51	ug/L	2	135%	Serious	(h)1	\$3,000
11/30/11	002	4th Quarter 2011	Monthly Average*	Total Recoverable Zinc	910	130	ug/L	2	600%	Serious	(h)1	\$3,000
12/12/11	001	4th Quarter 2011	Daily Maximum	Total Suspended Solids	500	75	mg/L	1	567%	Serious	(h)1	\$3,000
12/12/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Arsenic	38	10	ug/L	2	280%	Serious	(h)1	\$3,000
12/12/11	001	4th Quarter 2011	Daily Maximum	Total Cadmium	14	5	ug/L	2	180%	Serious	(h)1	\$3,000
12/12/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Copper	38	28	ug/L	2	36%	Serious	(h)1	\$3,000
12/12/11	001	4th Quarter 2011	Daily Maximum	Total Lead	130	102	ug/L	2	27%	Serious	(h)1	\$3,000
12/12/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Selenium	1500	10	ug/L	2	14900%	Serious	(h)1	\$3,000
12/12/11	001	4th Quarter 2011	Daily Maximum	Total Recoverable Zinc	980	261	ug/L	2	275%	Serious	(h)1	\$3,000
12/12/11	002	4th Quarter 2011	Daily Maximum	Total Suspended Solids	130	75	mg/L	1	73%	Serious	(h)1	\$3,000
12/12/11	002	4th Quarter 2011	Daily Maximum	Total Recoverable Selenium	17	10	ug/L	2	70%	Serious	(h)1	\$3,000
12/12/11	002	4th Quarter 2011	Daily Maximum	Total Recoverable Zinc	700	261	ug/L	2	168%	Serious	(h)1	\$3,000
12/31/11	001	4th Quarter 2011	Monthly Average*	Total Suspended Solids	500	50	mg/L	1	900%	Serious	(h)1	\$3,000
12/31/11	001	4th Quarter 2011	Monthly Average*	Total Cadmium	14	3	ug/L	2	367%	Serious	(h)1	\$3,000
12/31/11	001	4th Quarter 2011	Monthly Average*	Total Recoverable Copper	38	14	ug/L	2	171%	Serious	(h)1	\$3,000
12/31/11	001	4th Quarter 2011	Monthly Average*	Total Lead	130	51	ug/L	2	155%	Serious	(h)1	\$3,000
12/31/11	001	4th Quarter 2011	Monthly Average*	Total Recoverable Zinc	980	130	ug/L	2	654%	Serious	(h)1	\$3,000
12/31/11	002	4th Quarter 2011	Monthly Average*	Total Suspended Solids	130	50	mg/L	1	160%	Serious	(h)1	\$3,000
12/31/11	002	4th Quarter 2011	Monthly Average*	Turbidity	73	50	NTU	OEV	46%	Chronic	(i)1	\$3,000
12/31/11	002	4th Quarter 2011	Monthly Average*	Total Recoverable Copper	24	14	ug/L	2	71%	Serious	(h)1	\$3,000
12/31/11	002	4th Quarter 2011	Monthly Average*	Total Lead	52	51	ug/L	2	2%	Chronic	(i)1	\$3,000
12/31/11	002	4th Quarter 2011	Monthly Average*	Total Recoverable Zinc	700	130	ug/L	2	438%	Serious	(h)1	\$3,000
01/23/12	001	1st Quarter 2012	Daily Maximum	Sulfate	380	350	mg/L	1	9%	Chronic	(i)1	\$3,000
01/23/12	001	1st Quarter 2012	Daily Maximum	Fluoride	1.1	1.0	mg/L	1	10%	Chronic	(i)1	\$3,000
01/23/12	001	1st Quarter 2012	Daily Maximum	Total Recoverable Arsenic	51	10	ug/L	2	410%	Serious	(h)1	\$3,000
01/23/12	001	1st Quarter 2012	Daily Maximum	Total Cadmium	14	5	ug/L	2	180%	Serious	(h)1	\$3,000
01/23/12	001	1st Quarter 2012	Daily Maximum	Total Recoverable Copper	32	28	ug/L	2	14%	Chronic	(i)1	\$3,000
01/23/12	001	1st Quarter 2012	Daily Maximum	Total Lead	110	102	ug/L	2	8%	Chronic	(i)1	\$3,000

* Staff Calculation

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
01/23/12	001	1st Quarter 2012	Daily Maximum	Total Recoverable Selenium	4900	10	ug/L	2	48900%	Serious	(h)1	\$3,000
01/23/12	001	1st Quarter 2012	Daily Maximum	Total Recoverable Zinc	700	261	ug/L	2	168%	Serious	(h)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Total Suspended Solids	380	75	ug/L	1	407%	Serious	(h)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Turbidity	86	75	ug/L	OEV	15%	Chronic	(i)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Total Recoverable Arsenic	12	10	ug/L	2	20%	Serious	(h)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Total Cadmium	7.1	5	ug/L	2	42%	Serious	(h)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Total Recoverable Copper	81	28	ug/L	2	189%	Serious	(h)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Total Lead	220	102	ug/L	2	116%	Serious	(h)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Total Recoverable Selenium	69	10	ug/L	2	590%	Serious	(h)1	\$3,000
01/23/12	002	1st Quarter 2012	Daily Maximum	Total Recoverable Zinc	2000	261	ug/L	2	666%	Serious	(h)1	\$3,000
01/31/12	001	1st Quarter 2012	Monthly Average*	Total Cadmium	14	3	ug/L	2	367%	Serious	(h)1	\$3,000
01/31/12	001	1st Quarter 2012	Monthly Average*	Total Recoverable Copper	32	14	ug/L	2	129%	Serious	(h)1	\$3,000
01/31/12	001	1st Quarter 2012	Monthly Average*	Total Lead	110	51	ug/L	2	116%	Serious	(h)1	\$3,000
01/31/12	001	1st Quarter 2012	Monthly Average*	Total Recoverable Zinc	700	130	ug/L	2	438%	Serious	(h)1	\$3,000
01/31/12	002	1st Quarter 2012	Monthly Average*	Total Suspended Solids	380	50	ug/L	1	660%	Serious	(h)1	\$3,000
01/31/12	002	1st Quarter 2012	Monthly Average*	Turbidity	86	50	ug/L	OEV	72%	Chronic	(i)1	\$3,000
01/31/12	002	1st Quarter 2012	Monthly Average*	Total Cadmium	7.1	3	ug/L	2	137%	Serious	(h)1	\$3,000
01/31/12	002	1st Quarter 2012	Monthly Average*	Total Recoverable Copper	81	14	ug/L	2	479%	Serious	(h)1	\$3,000
01/31/12	002	1st Quarter 2012	Monthly Average*	Total Lead	220	51	ug/L	2	331%	Serious	(h)1	\$3,000
01/31/12	002	1st Quarter 2012	Monthly Average*	Total Recoverable Zinc	2000	130	ug/L	2	1438%	Serious	(h)1	\$3,000
04/13/12	001	2nd Quarter	Daily Maximum	Total Recoverable Arsenic	22	10	ug/L	2	120%	Serious	(h)1	\$3,000
04/13/12	001	2nd Quarter	Daily Maximum	Total Cadmium	13	5	ug/L	2	160%	Serious	(h)1	\$3,000
04/13/12	001	2nd Quarter	Daily Maximum	Total Lead	110	102	ug/L	2	8%	Chronic	(i)1	\$3,000
04/13/12	001	2nd Quarter	Daily Maximum	Total Recoverable Selenium	730	10	ug/L	2	7200%	Serious	(h)1	\$3,000
04/13/12	001	2nd Quarter	Daily Maximum	Total Recoverable Zinc	1200	261	ug/L	2	360%	Serious	(h)1	\$3,000
04/13/12	002	2nd Quarter	Daily Maximum	Total Recoverable Copper	43	28	ug/L	2	54%	Serious	(h)1	\$3,000
04/13/12	002	2nd Quarter	Daily Maximum	Total Lead	180	102	ug/L	2	76%	Serious	(h)1	\$3,000
04/13/12	002	2nd Quarter	Daily Maximum	Total Recoverable Zinc	1300	261	ug/L	2	398%	Serious	(h)1	\$3,000
04/30/12	001	2nd Quarter	Monthly Average*	Total Cadmium	13	3	ug/L	2	333%	Serious	(h)1	\$3,000
04/30/12	001	2nd Quarter	Monthly Average*	Total Recoverable Copper	26	14	ug/L	2	86%	Serious	(h)1	\$3,000
04/30/12	001	2nd Quarter	Monthly Average*	Total Lead	110	51	ug/L	2	116%	Serious	(h)1	\$3,000
04/30/12	001	2nd Quarter	Monthly Average*	Total Recoverable Zinc	1200	130	ug/L	2	823%	Serious	(h)1	\$3,000
04/30/12	002	2nd Quarter	Monthly Average*	Total Recoverable Copper	43	14	ug/L	2	207%	Serious	(h)1	\$3,000
04/30/12	002	2nd Quarter	Monthly Average*	Total Lead	180	51	ug/L	2	253%	Serious	(h)1	\$3,000
04/30/12	002	2nd Quarter	Monthly Average*	Total Recoverable Zinc	1300	130	ug/L	2	900%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Monthly Average*	Turbidity	190	50	ug/L	OEV	280%	Chronic	(i)1	\$0

○ = Units are incorrect. They should be mg/L.

REVISED EXHIBIT "I" - NOTICE OF VIOLATION
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
11/30/12	002	4th Quarter 2012	Instaneous	pH	9	6.5-8.5	ug/L	OEV	N/A	Chronic	(i)1	\$0
11/30/12	001	4th Quarter 2012	Monthly Average	Nitrate & Nitrite-N	8.3	8.0	ug/L	1	4%	Chronic	(i)1	\$0
11/30/12	002	4th Quarter 2012	Daily Maximum	Turbidity	190	75	ug/L	OEV	153%	Chronic	(i)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Fluoride	1.6	1.0	ug/l	1	60%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Sulfate	710	350	ug/l	1	103%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	TCDD Equivalents	2.82	0.028	ug/L	2	9971%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Total Cadmium	9.3	5	ug/L	2	86%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Total Dissolved Solids	2100	1500	ug/L	1	40%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Total Recoverable Arsenic	48	10	ug/L	2	380%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Total Recoverable Copper	110	28	ug/L	2	293%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Total Recoverable Selenium	4800	10	ug/L	2	47900%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Daily Maximum	Total Recoverable Zinc	1200	261	ug/L	2	360%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Monthly Average	Bis(2-ethylhexyl)phthalate	7.6	6	ug/L	2	27%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Monthly Average	Nitrite-N	2.4	1.0	ug/L	1	140%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Monthly Average	TCDD Equivalents	2.82	0.014	ug/L	2	20043%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Monthly Average	Total Cadmium	9.05	3	ug/L	2	202%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Monthly Average	Total Lead	76.5	51	ug/L	2	50%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Monthly Average	Total Recoverable Copper	105	14	ug/L	2	650%	Serious	(h)1	\$3,000
11/30/12	001	4th Quarter 2012	Monthly Average	Total Recoverable Zinc	1200	130	ug/L	2	823%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Daily Maximum	TCDD Equivalents	9.41	0.028	ug/L	2	33507%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Daily Maximum	Total Lead	200	102	ug/L	2	96%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Daily Maximum	Total Recoverable Arsenic	18	10	ug/L	2	80%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Daily Maximum	Total Recoverable Copper	76	28	ug/L	2	171%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Daily Maximum	Total Recoverable Selenium	310	10	ug/L	2	3000%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Daily Maximum	Total Recoverable Zinc	1800	261	ug/L	2	590%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Daily Maximum	Total Suspended Solids	290	75	ug/L	1	287%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Monthly Average	TCDD Equivalents	9.41	0.014	ug/L	2	67114%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Monthly Average	Total Cadmium	4.2	3	ug/L	2	40%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Monthly Average	Total Lead	149	51	ug/L	2	192%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Monthly Average	Total Recoverable Copper	64.5	14	ug/L	2	361%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Monthly Average	Total Recoverable Zinc	1400	130	ug/L	2	977%	Serious	(h)1	\$3,000
11/30/12	002	4th Quarter 2012	Monthly Average	Total Suspended Solids	290	50	ug/L	1	480%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Monthly Average	Nitrate-N	1600	8.0	mg/L	1	19900%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Monthly Average	Nitrite-N	550	1.0	mg/L	1	54900%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Daily Maximum	Fluoride	1.4	1.0	mg/L	1	40%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Daily Maximum	Total Recoverable Arsenic	31	10	ug/L	2	210%	Serious	(h)1	\$3,000

○ = Units are incorrect. They should be mg/L.

* Staff Calculation

REVISED EXHIBIT "1" - NOTICE OF VIOLATION
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
01/24/13	001	1st Quarter 2013	Daily Maximum	Total Cadmium	12	5	µg/L	2	140%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Monthly Average	Total Cadmium	12	3	µg/L	2	300%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Daily Maximum	Total Recoverable Copper	37	28	µg/L	2	32%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Monthly Average	Total Recoverable Copper	37	14	µg/L	2	164%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Monthly Average	Total Recoverable Lead	100	51	µg/L	2	96%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Daily Maximum	Total Recoverable Selenium	3200	10	µg/L	2	31900%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Monthly Average	Thallium	7.2	6	µg/L	2	20%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Daily Maximum	Total Recoverable Zinc	2500	261	µg/L	2	858%	Serious	(h)1	\$3,000
01/24/13	001	1st Quarter 2013	Monthly Average	Total Recoverable Zinc	2500	130	µg/L	2	1823%	Serious	(h)1	\$3,000
01/24/13	002	1st Quarter 2013	Monthly Average	Total Suspended Solids	67	50	mg/L	1	34%	Chronic	(i)1	\$3,000
01/24/13	002	1st Quarter 2013	Monthly Average	Nitrate-N	950	8	mg/L	1	11775%	Serious	(h)1	\$3,000
01/24/13	002	1st Quarter 2013	Monthly Average	Total Recoverable Copper	16	14	µg/L	2	14%	Chronic	(i)1	\$3,000
01/24/13	002	1st Quarter 2013	Daily Maximum	Total Recoverable Selenium	37	10	µg/L	2	270%	Serious	(h)1	\$3,000
01/24/13	002	1st Quarter 2013	Daily Maximum	Total Recoverable Zinc	530	261	µg/L	2	103%	Serious	(h)1	\$3,000
01/24/13	002	1st Quarter 2013	Monthly Average	Total Recoverable Zinc	530	130	µg/L	2	308%	Serious	(h)1	\$3,000
02/09/13	001	1st Quarter 2013	Daily Maximum	Total Suspended Solids	350	75	mg/L	1	367%	Serious	(h)1	\$3,000
02/09/13	001	1st Quarter 2013	Monthly Average	Total Suspended Solids	350	50	mg/L	1	600%	Serious	(h)1	\$3,000
02/09/13	001	1st Quarter 2013	Monthly Average	Settleable Solids	0.3	0.1	mL/L	1	200%	Serious	(h)1	\$3,000
02/09/13	001	1st Quarter 2013	Monthly Average	Nitrate+Nitrite N	280	8.0	mg/L	1	3400%	Serious	(h)1	\$3,000
											Total	\$465,000
												\$453,000
2/9/2013 samples are from a city water line ruptured at the facility. Water from this line discharged to the city storm drain through storm water discharge point 001. Incident reported to City of Vernon.												

* Staff Calculation