



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

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

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Arnold Schwarzenegger
Governor

September 16, 2010

Ms. Mary Lynn Coffee
NOSSAMAN LLP
18101 Von Karman Ave., Ste. 1800
Irvine, CA 92612

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7008 1830 0004 3360 6016

REVISED COMPLAINT NO. R4-2008-0091-MR FOR MANDATORY MINIMUM PENALTY AGAINST VENTURA WATER RECLAMATION PLANT, 1400 SPINNAKER DRIVE, VENTURA, CA (ORDER NOS. 00-143 & R4-2008-0011, NPDES PERMIT NO. CA0053651, CI-1822)

Dear Ms. Coffee:

Enclosed is Revised Complaint No. R4-2008-0091-MR for Mandatory Minimum Penalty in the amount of \$582,000 against City of San Buenaventura (hereinafter Permittee) for violation of 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 on October 27, 2010. 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-MR and return it to the Regional Board by 5:00 pm on October 18, 2010. If we do not receive the waiver and full payment of the mandatory minimum penalty by October 18, 2010, this matter will be heard before the Regional Board or Hearing Panel on October 27, 2010.

If you have any questions regarding this matter, please contact Ms. Laura Drabandt at (916) 341-5180 or Mr. Russ Colby at (213) 620-6373.

Sincerely,

Samuel Unger, P.E.
Executive Officer

Enclosures

cc: Mr. Dan Pfeifer, City of Ventura, 501 Poli Street, Ventura, CA 93002-0099
Ms. Jennifer Fordyce, Office of Chief Counsel, State Water Resources Control Board
Ms. Deborah Smith, Los Angeles Regional Water Quality Control Board
Mr. Jeff Ogata, Office of Chief Counsel, State Water Resources Control Board
Ms. Laura Drabandt, Office of Enforcement, 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**

| | | |
|---|---|---|
| In the matter of: |) | Revised Complaint No. R4-2008-0091-MR |
| |) | Mandatory Minimum Penalty for |
| |) | Violation of California Water Code § 13376 |
| City of San Buenaventura |) | and |
| Ventura Water Reclamation Facility |) | Order Nos. 00-143, R4-2008-0011 & R4-2008-0012 |
| San Buenaventura, California |) | (NPDES No. CA0053651) |

This Revised 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). On February 16, 2009, the Assistant Executive Officer issued Complaint No. R4-2008-0091-M. This Revised Complaint is issued September 16, 2010 and adds violations from January 1 through May 31, 2010 and supercedes Complaint No. R4-2008-0091-MR.

The 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 (NH₃), nitrite as nitrogen (NO₂), nitrite plus nitrate as nitrogen (NO₂ + NO₃), 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

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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 (NH₃), nitrite as nitrogen (NO₂), and nitrite plus nitrate as nitrogen (NO₂ + NO₃), 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 (NH₃), nitrite as nitrogen (NO₂), and nitrite plus nitrate as nitrogen (NO₂ + NO₃) 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 (NH₃), nitrite as nitrogen (NO₂), and nitrite plus nitrate as nitrogen (NO₂ + NO₃) (page 4):

| Constituent | Unit of Measure | Discharge Limitations | |
|--|-----------------|-----------------------|-----------------|
| | | Daily Maximum | Monthly Average |
| Summer NH ₃ (May – October) | mg/L | 2.5 | 2.1 |
| Winter NH ₃ (November – April) | mg/L | 3.6 | 3.0 |
| NO ₂ | mg/L | 21 | 19 |
| NO ₂ + NO ₃ | 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. Two hundred (200) 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 May 2010. Of these violations, one hundred and ninety four (194) are subject to mandatory minimum penalties pursuant to CWC § 13385(h) and (i). These violations include effluent limit exceedances for coliform, pH, copper (Cu), nickel (Ni), ammonia nitrogen (NH₃), nitrite as nitrogen (NO₂), selenium (Se), and nitrite plus nitrate as nitrogen (NO₂ + NO₃). The violations are identified in Revised 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 Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$582,000 for the violations which occurred during the February 2006 through May 2010 monitoring periods cited in Revised Exhibit "A". Refer to Revised 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 **October 18, 2010**. If the hearing is waived, a check in the amount of \$582,000 (payable to the State Water Pollution Cleanup and Abatement Account) must be received by the Regional Board by 5:00 pm on **October 18, 2010**.
20. If the Regional Board does not receive a waiver and full payment of the recommended penalty by **October 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 on October 27, 2010. 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.

Executive Officer

Los Angeles Regional Water Quality Control Board

September 16, 2010

WAIVER FORM

FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2008-0091-MR

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-MR (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."

- 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 **\$582,000** by check that references "ACL Complaint No. R4-2008-0091-MR" made payable to the "*Cleanup and Abatement Account*". Payment must be received by the Regional Water Board by **October 18, 2010** or this matter will be heard on the Regional Board's Panel Hearing agenda for a hearing on October 27, 2010.
- 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.

(Print Name and Title)

(Date)

(Signature)

REVISED 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 | 8 | 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 |

| Date | Monitoring Period | Violation Type | Parameter | Reported Value | Permit Limit | Units | Pollutant Category | % Exceeded | Serious/Chronic | Water Code Section 13385 | Penalty |
|----------|-------------------|-----------------------|-----------|----------------|--------------|------------|--------------------|------------|-----------------|--------------------------|---------|
| 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 |
| 10/15/07 | October 2007 | 7-day Median | Coliform | 8 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 10/16/07 | October 2007 | 7-day Median | Coliform | 8 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 10/17/07 | October 2007 | 7-day Median | Coliform | 8 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 10/18/07 | October 2007 | 7-day Median | Coliform | 8 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 10/19/07 | October 2007 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 11/19/07 | November 2007 | 30-day | Coliform | 80 | 23 | MPN/100 mL | NA | NA | Chronic | (i)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 | (i)1 | \$3,000 |
| 08/24/08 | August 2008 | 30-day | Coliform | 90 | 23 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/25/08 | August 2008 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/26/08 | August 2008 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/26/08 | August 2008 | 30-day | Coliform | 50 | 23 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/27/08 | August 2008 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/28/08 | August 2008 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/29/08 | August 2008 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/30/08 | August 2008 | 7-day Median | Coliform | 23 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/30/08 | August 2008 | 30-day | Coliform | 110 | 23 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/30/08 | August 2008 | Instantaneous Minimum | pH | 6.39 | 6.5 | pH Units | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/31/08 | August 2008 | 7-day Median | Coliform | 23 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 08/31/08 | August 2008 | 30-day | Coliform | 27 | 23 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 09/01/08 | September 2008 | 7-day Median | Coliform | 13 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |

REVISED 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 |
|----------|-------------------|------------------|----------------------------------|----------------|--------------|------------|--------------------|------------|-----------------|--------------------------|---------|
| 09/02/08 | September 2008 | 7-day Median | Coliform | 13 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 09/03/08 | September 2008 | 7-day Median | Coliform | 13 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 09/04/08 | September 2008 | 7-day Median | Coliform | 13 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 09/05/08 | September 2008 | 7-day Median | Coliform | 13 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 09/06/08 | September 2008 | 7-day Median | Coliform | 8 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 09/07/08 | September 2008 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 10/12/08 | October 2008 | 7-day Median | Coliform | 7 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 10/13/08 | October 2008 | 7-day Median | Coliform | 7 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 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 ₃ | 21.5 | 21 | mg/L | 1 | 2% | Chronic | (i)1 | \$3,000 |
| 01/07/09 | January 2009 | Daily Maximum* | NO ₃ | 24.3 | 21 | mg/L | 1 | 16% | Chronic | (i)1 | \$3,000 |
| 01/07/09 | January 2009 | Daily Maximum* | NO ₂ +NO ₃ | 24.3 | 21 | mg/L | 1 | 16% | Chronic | (i)1 | \$3,000 |
| 01/28/09 | January 2009 | Daily Maximum* | NO ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 01/28/09 | January 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 01/31/09 | January 2009 | Monthly Average* | NO ₃ | 21.3 | 19 | mg/L | 1 | 12% | Chronic | (i)1 | \$3,000 |
| 01/31/09 | January 2009 | Monthly Average* | NO ₂ +NO ₃ | 21.3 | 19 | mg/L | 1 | 12% | Chronic | (i)1 | \$3,000 |
| 02/04/09 | February 2009 | Daily Maximum* | NO ₃ | 21.6 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 02/04/09 | February 2009 | Daily Maximum* | NO ₂ +NO ₃ | 21.6 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 02/11/09 | February 2009 | Daily Maximum* | NO ₃ | 22.6 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 02/11/09 | February 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.6 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 02/25/09 | February 2009 | Daily Maximum* | NO ₃ | 21.6 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 02/25/09 | February 2009 | Daily Maximum* | NO ₂ +NO ₃ | 21.6 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 02/28/09 | February 2009 | Monthly Average* | NO ₃ | 20.6 | 19 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 02/28/09 | February 2009 | Monthly Average* | NO ₂ +NO ₃ | 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 |

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

REVISED 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 |
|----------|-------------------|------------------|----------------------------------|----------------|--------------|------------|--------------------|------------|-----------------|--------------------------|---------|
| 03/03/09 | 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 ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 03/04/09 | March 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 03/11/09 | March 2009 | Daily Maximum* | NO ₃ | 22.1 | 21 | mg/L | 1 | 5% | Chronic | (i)1 | \$3,000 |
| 03/11/09 | March 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.1 | 21 | mg/L | 1 | 5% | Chronic | (i)1 | \$3,000 |
| 03/25/09 | March 2009 | Daily Maximum* | NO ₃ | 21.9 | 21 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 03/25/09 | March 2009 | Daily Maximum* | NO ₂ +NO ₃ | 21.9 | 21 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 03/31/09 | March 2009 | Monthly Average* | NO ₃ | 21.9 | 19 | mg/L | 1 | 15% | Chronic | (i)1 | \$3,000 |
| 03/31/09 | March 2009 | Monthly Average* | NO ₂ +NO ₃ | 21.9 | 19 | mg/L | 1 | 15% | Chronic | (i)1 | \$3,000 |
| 04/01/09 | April 2009 | Daily Maximum* | NO ₃ | 22.6 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 04/01/09 | April 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.6 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 04/15/09 | April 2009 | Daily Maximum* | NO ₃ | 21.5 | 21 | mg/L | 1 | 2% | Chronic | (i)1 | \$3,000 |
| 04/15/09 | April 2009 | Daily Maximum* | NO ₂ +NO ₃ | 21.5 | 21 | mg/L | 1 | 2% | Chronic | (i)1 | \$3,000 |
| 04/29/09 | April 2009 | Daily Maximum* | NO ₃ | 22.6 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 04/29/09 | April 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.6 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 04/30/09 | April 2009 | Monthly Average* | NO ₃ | 21.7 | 19 | mg/L | 1 | 14% | Chronic | (i)1 | \$3,000 |
| 04/30/09 | April 2009 | Monthly Average* | NO ₂ +NO ₃ | 21.7 | 19 | mg/L | 1 | 14% | Chronic | (i)1 | \$3,000 |
| 05/13/09 | May 2009 | Daily Maximum* | NO ₃ | 22.7 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 05/13/09 | May 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.7 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 05/31/09 | May 2009 | Monthly Average* | NO ₃ | 19.7 | 19 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 05/31/09 | May 2009 | Monthly Average* | NO ₂ +NO ₃ | 19.7 | 19 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 06/24/09 | June 2009 | Daily Maximum* | NO ₃ | 21.6 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 06/24/09 | June 2009 | Daily Maximum* | NO ₂ +NO ₃ | 21.6 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 07/01/09 | July 2009 | Daily Maximum* | NO ₃ | 22.8 | 21 | mg/L | 1 | 9% | Chronic | (i)1 | \$3,000 |
| 07/01/09 | July 2009 | Daily Maximum* | NO ₂ +NO ₃ | 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 |

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

REVISED 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 |
|----------|-------------------|------------------|----------------------------------|----------------|--------------|------------|--------------------|------------|-----------------|--------------------------|---------|
| 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 ₃ | 20.5 | 19 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 07/31/09 | July 2009 | Monthly Average* | NO ₂ +NO ₃ | 20.5 | 19 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 08/24/09 | August 2009 | Daily Maximum* | NO ₃ | 21.8 | 21 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 08/24/09 | August 2009 | Daily Maximum* | NO ₂ +NO ₃ | 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 |
| 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 ₃ | 5.1 | 2.5 | mg/L | 1 | 104% | Serious | (h)1 | \$3,000 |
| 09/10/09 | September 2009 | Daily Maximum* | NH ₃ | 3.3 | 2.5 | mg/L | 1 | 32% | Chronic | (i)1 | \$3,000 |
| 09/23/09 | September 2009 | Daily Maximum* | NO ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 09/23/09 | September 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 09/30/09 | September 2009 | Monthly Average* | NO ₂ +NO ₃ | 19.5 | 19 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 09/30/09 | September 2009 | Daily Maximum* | NO ₃ | 21.7 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 09/30/09 | September 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.6 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 10/07/09 | October 2009 | Daily Maximum* | NO ₃ | 24.3 | 21 | mg/L | 1 | 16% | Chronic | (i)1 | \$3,000 |
| 10/07/09 | October 2009 | Daily Maximum* | NO ₂ +NO ₃ | 24.3 | 21 | mg/L | 1 | 16% | Chronic | (i)1 | \$3,000 |
| 10/14/09 | October 2009 | Daily Maximum* | NO ₃ | 23.0 | 21 | mg/L | 1 | 10% | Chronic | (i)1 | \$3,000 |
| 10/14/09 | October 2009 | Daily Maximum* | NO ₂ +NO ₃ | 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 |

REVISED 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 |
|----------|-------------------|------------------|----------------------------------|----------------|--------------|------------|--------------------|------------|-----------------|--------------------------|---------|
| 10/18/09 | 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 ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 10/21/09 | October 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.2 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 10/31/09 | October 2009 | Monthly Average* | NO ₃ | 22.6 | 19 | mg/L | 1 | 19% | Chronic | (i)1 | \$3,000 |
| 10/31/09 | October 2009 | Monthly Average* | NO ₂ +NO ₃ | 22.6 | 19 | mg/L | 1 | 19% | Chronic | (i)1 | \$3,000 |
| 11/04/09 | November 2009 | Daily Maximum* | NO ₃ | 24.7 | 21 | mg/L | 1 | 18% | Chronic | (i)1 | \$3,000 |
| 11/04/09 | November 2009 | Daily Maximum* | NO ₂ +NO ₃ | 24.7 | 21 | mg/L | 1 | 18% | Chronic | (i)1 | \$3,000 |
| 11/10/09 | November 2009 | Daily Maximum* | NO ₃ | 22.4 | 21 | mg/L | 1 | 7% | Chronic | (i)1 | \$3,000 |
| 11/10/09 | November 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.4 | 21 | mg/L | 1 | 7% | Chronic | (i)1 | \$3,000 |
| 11/18/09 | November 2009 | Daily Maximum* | NO ₃ | 24.1 | 21 | mg/L | 1 | 15% | Chronic | (i)1 | \$3,000 |
| 11/18/09 | November 2009 | Daily Maximum* | NO ₂ +NO ₃ | 24.1 | 21 | mg/L | 1 | 15% | Chronic | (i)1 | \$3,000 |
| 11/25/09 | November 2009 | Daily Maximum* | NO ₃ | 21.9 | 21 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 11/25/09 | November 2009 | Daily Maximum* | NO ₂ +NO ₃ | 21.9 | 21 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 11/30/09 | November 2009 | Monthly Average* | NO ₃ | 23.3 | 19 | mg/L | 1 | 23% | Chronic | (i)1 | \$3,000 |
| 11/30/09 | November 2009 | Monthly Average* | NO ₂ +NO ₃ | 23.3 | 19 | mg/L | 1 | 23% | Chronic | (i)1 | \$3,000 |
| 12/09/09 | December 2009 | Daily Maximum* | NO ₃ | 23.7 | 21 | mg/L | 1 | 13% | Chronic | (i)1 | \$3,000 |
| 12/09/09 | December 2009 | Daily Maximum* | NO ₂ +NO ₃ | 23.7 | 21 | mg/L | 1 | 13% | Chronic | (i)1 | \$3,000 |
| 12/16/09 | December 2009 | Daily Maximum* | NO ₃ | 22.3 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 12/16/09 | December 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.3 | 21 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 12/23/09 | December 2009 | Daily Maximum* | NO ₃ | 22.0 | 21 | mg/L | 1 | 5% | Chronic | (i)1 | \$3,000 |
| 12/23/09 | December 2009 | Daily Maximum* | NO ₂ +NO ₃ | 22.0 | 21 | mg/L | 1 | 5% | Chronic | (i)1 | \$3,000 |
| 12/31/09 | December 2009 | Monthly Average* | NO ₃ | 21.5 | 19 | mg/L | 1 | 13% | Chronic | (i)1 | \$3,000 |
| 12/31/09 | December 2009 | Monthly Average* | NO ₂ +NO ₃ | 21.5 | 19 | mg/L | 1 | 13% | Chronic | (i)1 | \$3,000 |
| 01/10/10 | January 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 01/11/10 | January 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 01/12/10 | January 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 01/13/10 | January 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |

REVISED 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 |
|----------|-------------------|-----------------------|----------------------------------|----------------|--------------|------------|--------------------|------------|-----------------|--------------------------|------------------|
| 01/27/10 | January 2010 | Daily Maximum* | NO ₃ | 21.8 | 21 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 01/27/10 | January 2010 | Daily Maximum* | NO ₂ +NO ₃ | 21.8 | 21 | mg/L | 1 | 4% | Chronic | (i)1 | \$3,000 |
| 01/31/10 | January 2010 | Monthly Average* | NO ₃ | 20.6 | 19 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 01/31/10 | January 2010 | Monthly Average* | NO ₂ +NO ₃ | 20.6 | 19 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 02/03/10 | February 2010 | Daily Maximum* | NO ₃ | 22.4 | 21 | mg/L | 1 | 7% | Chronic | (i)1 | \$3,000 |
| 02/03/10 | February 2010 | Daily Maximum* | NO ₂ +NO ₃ | 22.4 | 21 | mg/L | 1 | 7% | Chronic | (i)1 | \$3,000 |
| 02/10/10 | February 2010 | Daily Maximum* | NH ₃ | 5.2 | 3.6 | mg/L | 1 | 44% | Serious | (b)1 | \$3,000 |
| 02/10/10 | February 2010 | Daily Maximum* | NO ₃ | 24.4 | 21 | mg/L | 1 | 16% | Chronic | (i)1 | \$3,000 |
| 02/10/10 | February 2010 | Daily Maximum* | NO ₂ +NO ₃ | 24.4 | 21 | mg/L | 1 | 16% | Chronic | (i)1 | \$3,000 |
| 02/24/10 | February 2010 | Instantaneous Minimum | pH | 6.41 | 6.5-8.5 | S.U. | NA | NA | Chronic | (i)1 | \$3,000 |
| 02/28/10 | February 2010 | Monthly Average* | NO ₃ | 21.8 | 19 | mg/L | 1 | 15% | Chronic | (i)1 | \$3,000 |
| 02/28/10 | February 2010 | Monthly Average* | NO ₂ +NO ₃ | 21.8 | 19 | mg/L | 1 | 15% | Chronic | (i)1 | \$3,000 |
| 03/03/10 | March 2010 | Daily Maximum* | NO ₃ | 21.7 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 03/03/10 | March 2010 | Daily Maximum* | NO ₂ +NO ₃ | 21.7 | 21 | mg/L | 1 | 3% | Chronic | (i)1 | \$3,000 |
| 03/10/10 | March 2010 | Daily Maximum* | NO ₃ | 22.7 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 03/10/10 | March 2010 | Daily Maximum* | NO ₂ +NO ₃ | 22.7 | 21 | mg/L | 1 | 8% | Chronic | (i)1 | \$3,000 |
| 03/17/10 | March 2010 | Daily Maximum* | NO ₃ | 22.0 | 21 | mg/L | 1 | 5% | Chronic | (i)1 | \$3,000 |
| 03/17/10 | March 2010 | Daily Maximum* | NO ₂ +NO ₃ | 22.0 | 21 | mg/L | 1 | 5% | Chronic | (i)1 | \$3,000 |
| 03/31/10 | March 2010 | Monthly Average* | NO ₃ | 21.3 | 19 | mg/L | 1 | 12% | Chronic | (i)1 | \$3,000 |
| 03/31/10 | March 2010 | Monthly Average* | NO ₂ +NO ₃ | 21.3 | 19 | mg/L | 1 | 12% | Chronic | (i)1 | \$3,000 |
| 04/14/10 | April 2010 | Monthly Average* | NO ₃ | 20.1 | 19 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 04/14/10 | April 2010 | Monthly Average* | NO ₂ +NO ₃ | 20.1 | 19 | mg/L | 1 | 6% | Chronic | (i)1 | \$3,000 |
| 05/25/10 | May 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 05/26/10 | May 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 05/27/10 | May 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| 05/28/10 | May 2010 | 7-day Median | Coliform | 4 | 2.2 | MPN/100 mL | NA | NA | Chronic | (i)1 | \$3,000 |
| | | | | | | | | | | Total | \$582,000 |

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

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

ACLC No. R4-2008-0091-MR

NOTICE OF PUBLIC HEARING

**TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AND
PROPOSE RECOMENDATIONS**

| <u>DISCHARGER</u> | <u>DISCHARGE LOCATION</u> | <u>RECEIVING WATER</u> |
|--------------------------|--|---------------------------|
| City of San Buenaventura | Ventura Water Reclamation Plant 1400 Spinnaker Drive Ventura, CA | Santa Clara River Estuary |

Administrative Civil Liability Complaint (“ACLC”) No. R4-2008-0091-MR alleges that City of San Buenaventura violated Order Nos. 00-143, R4-2008-0011, and R4-2008-0012 by failing to comply with the effluent limits during the period February 2006 through May 2010. During this time, two hundred (200) violations of Order Nos. 00-143, R4-2008-0011, and R4-2008-0012 were noted in the Permittee’s self-monitoring reports. Of these violations, one hundred and ninety four (194) are subject to mandatory minimum penalties. As stated in the ACLC, Regional Board staff, represented by the Regional Board Staff Prosecution Team (Prosecution Team), recommends that a penalty of \$582,000 be assessed against City of San Buenaventura for these violations.

Pursuant to Water Code section 13228.14, a Hearing Panel consisting of three or more 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: October 27, 2010
Time: 9:00 A.M.

Place: The State of California
Public Utilities Commission Hearing Room, 5th Floor
320 W. 4th Street
Los Angeles, California 90013

II. AVAILABILITY OF DOCUMENTS

The ACLC and other documents concerning 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 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or obtaining copies of the documents may be made by contacting the Case Manager of the Prosecution Team (identified in section V below). Comments received, the Prosecution Team's proposed Hearing Panel Report and Order, and other subsequent relevant documents will be available as they are received or generated.

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 or contained in the Hearing Panel binder. However, the entire file might not be present 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 Case Manager of the Prosecution Team (identified in section V below) so that it is received by **5:00 pm on October 7, 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 section 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 so that it is received by **5:00 pm on September 28, 2010**. All requests for designation as a party shall include the name, phone number, and email address of the person who is designated to receive notices about this proceeding. The request shall also 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 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 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, Staff Environmental Scientist. 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 the 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:

Mr. Russ Colby
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
(213) 620-6373
rcolby@waterboards.ca.gov

VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

A. Submittals By Parties.

Not later than **September 20, 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 is required to submit:

- 1) Any additional documents or evidence the Party wants the Hearing Panel to consider,
- 2) A summary of any testimony the Party intends to present, and
- 3) A statement regarding how much time the Party needs to present the case

to the attention of the Case Manager of the Prosecution Team (as identified above) so that it is received by **5:00 pm on September 28, 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 **October 14, 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 the 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 by **5:00 pm on September 28, 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 witnesses, 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 by **5:00 pm on September 28, 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 Ms. Rebecca Chou, and a Legal Advisor, Mr. Jeff Ogata, Staff Counsel for the Regional Board. Neither Ms. Chou nor Mr. Ogata 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 and received by the Legal Advisor to the Hearing Panel (identified below) by **5:00 pm on September 28, 2010**:

Mr. Jeff Ogata
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
(916) 324-6682
jfordyce@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 **5:00 pm on September 28, 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. QUESTIONS

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: September 16, 2010