

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0555

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF GRASS VALLEY  
WASTEWATER TREATMENT PLANT  
NEVADA COUNTY

This Complaint is issued to the City of Grass Valley, Wastewater Treatment Plant (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, CWC section 13323, which authorizes the Executive Officer to issue this Complaint, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order No. 98-060 and R5-2003-0089 (NPDES No. CA0079898).

The Assistant Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Water Board) finds the following:

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service for the City of Grass Valley. Treated wastewater is discharged to Wolf Creek, tributary to the Bear River, waters of the United States.
2. On 17 April 1998, the Regional Water Board adopted WDRs Order No. 98-060 to regulate discharges of waste from the wastewater treatment plant (WWTP). On 6 June 2003, the Regional Water Board adopted WDRs Order No. R5-2003-0089, which contained new requirements and rescinded WDRs Order No. 98-060.
3. On 17 April 1998, the Regional Water Board adopted Cease and Desist Order (CDO) No. 98-061, requiring the Discharger to cease discharging contrary to WDRs Order No. 98-060. The Regional Water Board adopted CDO 98-061 to allow the Discharger until 1 December 2001 to complete construction to comply with receiving water ammonia limitations.
4. On 6 June 2003, the Regional Water Board adopted CDO No. R5-2003-0090 rescinding CDO No. 98-061. The CDO provided a time schedule until 1 March 2008 to comply with new effluent limitations for aluminum, chloroform, iron, manganese, methyl tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite limitations.
5. On 6 December 2007, the Regional Water Board adopted CDO No. R5-2007-0163 rescinding CDO No. R5-2003-0090. CDO No. R5-2007-0163 establishes a time schedule until 1 March 2010 to comply with final effluent limitations and includes interim effluent limitations for aluminum, chloroform, copper, cyanide, dibromochloromethane, dichlorobromomethane, manganese, nitrate plus nitrite, and zinc. This Complaint

considered the interim effluent limitations and the protection from Mandatory Minimum Penalties provided by CDO Nos. 98-060, R5-2003-0090 and R5-2007-0163.

6. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states, *“Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.”*

CWC section 13385 (h)(2) states, *“For the purposes of this section, a ‘serious violation’ means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.”*

CWC section 13385(i)(1) states, *“Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:*

- A) *Violates a waste discharge requirement effluent limitation.*
- B) *Fails to file a report pursuant to Section 13260.*
- C) *Files an incomplete report pursuant to Section 13260.*
- D) *Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.”*

7. CWC section 13323 states, in part:

*“Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.”*

8. WDRs Order No. 98-060 Effluent Limitations No. B.1., Category A, include, in part, the following effluent limitations: *“During the period 1 May through 31 October and during other periods when the ratio of daily receiving water flow to daily effluent flow is less than 20 to 1...effluent shall not exceed the following limits.”*

<u>Constituents</u>	<u>Units</u>	<u>Hourly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
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Chlorine Residual	mg/L	0.02	0.01	--	--
Total Coliform Organisms	MPN/100 mL	--	--	2.2	23

9. WDRs Order No. 98-060 Effluent Limitations B.6. requires, in part, *“The discharge shall not have a consistent pH less than 6.5 nor greater than 8.5. Individual excursions below the minimum pH value of 6.5, or above the maximum pH value of 8.5 shall not exceed 60 minutes for any given excursion. The total duration of excursions shall not exceed 1% of the discharge time within a monthly reporting period. There shall be no excursions below 6.0 or above 9.0 at any time.”*
10. WDRs Order No. R5-2003-0089 Effluent Limitations B.1. requires, in part, *“Effluent shall not exceed the following limits when less than 20:1 dilution is available:”*

<u>Constituents</u>	<u>Units</u>	<u>7-Day Median</u>	<u>Instantaneous Maximum</u>
<u>Total Coliform Organisms</u>	MPN/100 mL	2.2 <sup>5</sup>	23 <sup>6</sup>

<sup>5</sup> A monthly median, rather than a 7-day median, may be used until 1 November 2005.

<sup>6</sup> The total coliform organisms concentration shall not exceed 23 MPN/100 mL more than once in any 30-day period. No sample shall exceed a concentration of 240 MPN/100 mL.

11. WDRs Order No. R5-2003-0089 Effluent Limitations B.3. requires, in part, *“Effluent shall not exceed the following limits (from adoption until 29 February 2008):”*

<u>Constituents</u>	<u>Interim Average Daily Limitations for Priority Pollutants</u> <u>µg/L</u>
<u>Copper (total recoverable)</u>	9.1 <sup>2</sup>

<sup>2</sup> To be ascertained by a 24-hour composite.

12. According to the Discharger’s self-monitoring reports, the Discharger committed three (3) serious Group I violations of the above effluent limitations contained in Order Nos. 98-060 and R5-2003-0089 during the period beginning 1 January 2000 and ending 31 March 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **nine thousand dollars (\$9,000)**.
13. According to the Discharger’s self-monitoring reports, the Discharger committed one (1) serious Group II violation of the above effluent limitations contained in Order Nos. 98-060 and R5-2003-0089 during the period beginning 1 January 2000 and ending 31 March 2008. This violation is defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on this occasion. The mandatory minimum penalty for these serious violations is **three thousand dollars (\$3,000)**.

14. According to the Discharger's self-monitoring reports, the Discharger committed eighteen (18) non-serious violations of the above effluent limitations contained in Order Nos. 98-060 and R5-2003-0089 during the period beginning 1 January 2000 and ending 31 March 2008. Four (4) of the non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **twelve thousand dollars (\$12,000)**.
15. The total amount of the mandatory penalties assessed for the cited effluent violations is **twenty-four thousand dollars (\$24,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
16. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

**THE CITY OF GRASS VALLEY WASTEWATER TREATMENT PLANT IS HEREBY GIVEN NOTICE THAT:**

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **twenty-four thousand dollars (\$24,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **23/24 October 2008**, unless the Discharger does either of the following **by 27 August 2008**:
  - a) Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Regional Water Board, along with payment for the proposed civil liability of **twenty-four thousand dollars (\$24,000)**; or
  - b) Agrees to enter into settlement discussions with the Regional Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Regional Water Board.
3. If a hearing on this matter is held, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

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JACK E. DEL CONTE, Assistant Executive Officer

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28 July 2008

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**WAIVER OF 90-DAY HEARING REQUIREMENT FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

1. I am duly authorized to represent the City of Grass Valley Wastewater Treatment Plant (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0555 (hereinafter the "Complaint");
2. 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;
3. I hereby waive any right the Discharger may have to a hearing before the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) within ninety (90) days of service of the Complaint; and
4.  **(Check here if the Discharger will waive the hearing requirement and will pay the fine)**
  - a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **twenty-four thousand dollars (\$24,000)** by check, which contains a reference to "ACL Complaint No. R5-2008-0555" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Regional Water Board by **27 August 2008** or this matter will be placed on the Regional Water Board's agenda for adoption as initially proposed in the Complaint.
  - b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Regional Water Board receive new information or comments during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Regional Water Board who are not associated with the enforcement team's issuance of the Complaint.
  - c. 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 Discharger to further enforcement, including additional civil liability.

-or-

5.  **(Check here if the Discharger will waive the 90-day hearing requirement, but will not pay at the current time)** I certify that the Discharger will promptly engage the Regional Water Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is not waiving its right to a hearing on this matter. I understand that this waiver is a request to delay the hearing so the Discharger and Regional Water Board staff can discuss settlement. It does not constitute the Regional Water Board's agreement to delay the hearing. A hearing on the matter may be held before the Regional Water Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the 90-day period referenced in California Water Code section 13323 has elapsed.
6. If a hearing on this matter is held, the Regional Water Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

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(Print Name and Title)

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(Signature)

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(Date)

**ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0555**

**Attachment A  
City of Grass Valley  
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2000 – 31 March 2008) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 98-060 and R5-2003-0089.

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>
1	22-Jun-00	Total Coliform	MPN/100 mL	23	50	Daily	3
2						Instantaneous	
	27-Jan-01	Chlorine Residual	mg/L	0.02	5	s	1
3	29-May-01	pH	pH units	6.5	6.2	Daily	3
4	19-Jun-01	Chlorine Residual	mg/L	0.02	0.08	1-hour	1
5	26-Oct-01	pH	pH units	6.5	6.2	Daily	3
6	28-Feb-02	Total Coliform	MPN/100 mL	23	80	Daily	3
7	25-Sep-03	Total Coliform	MPN/100 mL	23	220	Daily	3
8	30-Nov-03	Total Coliform	MPN/100 mL	2.2	8	Monthly	3
9	23-Apr-04	Total Coliform	MPN/100 mL	23	30	Daily	3
10	27-Apr-04	Total Coliform	MPN/100 mL	23	50	Daily	3
11	30-Apr-04	Total Coliform	MPN/100 mL	2.2	4	Monthly	4
12	18-Aug-04	Total Coliform	MPN/100 mL	23	1600	Daily	4
13	31-Oct-04	Total Coliform	MPN/100 mL	2.2	4	Monthly	3
14	20-May-05	Total Coliform	MPN/100 mL	23	50	Daily	3
15	7-Dec-06	Copper	µg/L	9.1	13	Daily	1
16	13-Dec-06	Total Coliform	MPN/100 mL	2.2	13	7-day	3
17	15-Dec-06	Total Coliform	MPN/100 mL	2.2	17	7-day	3
18	18-Dec-06	Total Coliform	MPN/100 mL	2.2	17	7-day	4
19	4-Jan-07	Copper	µg/L	9.1	9.2	Monthly	4
20	29-Jun-07	Total Coliform	MPN/100 mL	240	300	Instant Max	3
21	02-Aug-07	Copper	µg/L	9.1	11	Daily	2
22	15-Oct-07	Total Coliform	MPN/100 mL	2.2	4	7-day	3

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>03/31/2008</u></b>
Group I Serious Violations:	3
Group II Serious Violations:	1
Non-Serious Exempt from MPs:	14
Non-serious Violations Subject to MPs:	4
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>8</u></b>

**Mandatory Minimum Penalty = (4 Serious Violations + 4 Non-Serious Violations) x \$3,000 = \$24,000**



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental Protection

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**TO:** Patricia Leary, Senior Engineer  
NPDES Compliance and Enforcement

**FROM:** Barry Hilton, WRCE  
NPDES Compliance and Enforcement

**DATE:** 28 July 2008

**SIGNATURE:** \_\_\_\_\_

**SUBJECT:** CITY OF GRASS VALLEY WWTF, RESPONSE TO ROV AND ASSESSMENT OF MMPS

On 4 September 2007, the Regional Water Board sent the City of Grass Valley (Discharger) a draft Record of Violations (ROV) for the period of 1 January 2000 through 28 February 2007. The Discharger responded by letter dated 3 October 2007. I reviewed the record, addressed the Discharger's comments, made corrections to the Record of Violations in the following discussion, and extended the ROV through 31 March 2008. I present two violation columns in Attachment A. The first column lists the original ROV violation numbers; the second column lists the proposed violation numbers for the ACLC. In the following discussion, I refer to the violation numbers in the original ROV and refer to new violation numbers where appropriate.

### Statute of Limitations

The Discharger requested that we consider the 5-year statute of limitations under the Clean Water Act and the 3-year statute of limitations contained in the California Code of Civil Procedure, section 338. The former of these two statutes of limitation applies to actions by the federal government, and the latter of these statutes of limitation does not apply to this type of administrative proceeding.

The Code section of which §338 is a part makes it clear that §338 applies only to time limits on the commencement of civil suits in the courts. §338 is a part of Chapter 1 of Title 2 of the Code of Civil Procedure, entitled "Of the Time of Commencing Civil Actions." The first section in Chapter 1 of Title 2 reads, in pertinent part, as follows:

*"§312. General Limitations; Special Cases: Civil actions, without exception, can only be commenced within the periods prescribed in this title..."*

It is clear from a mere reading of this language that Title 2 is intended to prescribe time periods for the bringing of civil law suits. This administrative complaint falls outside the scope of this section. (See also *Bernd v. Eu* (1979) 100 Cal.App.3d 511, 161 Cal.Rptr. 58; *Rudolph v. Athletic Commission* (1960) 177 Cal.App.2d 1, 22, 1 Cal.Rptr. 898).

### Chlorine Residual

Violation 1. The Discharger reported that the value was reported in error and should have been reported as 0 mg/L. I deleted the violation.

## **Total Suspended Solids**

Violation 8. The Discharger reported that no TSS sample was collected for 2 Mar 2002 so the violation was entered in error. I deleted the violation.

## **Total Coliform Organisms**

Violations 9, 18, 23, and 28. Effluent Limitations B.1. states that the "total coliform organisms concentrations shall not exceed 23 MPN/100 mL more than once in any 30-day period." Violations 9, 18, 23, and 28 were not violations because they were the first sample in a 30-day period to exceed 23 MPN/100 mL. I deleted the violations.

Violation 22. Effluent Limitations B.2. states that when there is a 20:1 dilution, the 7-day median is 23 MPN/100 mL and the instantaneous maximum is 240 MPN/100 mL (not to be exceeded more than once in a 30-day period). The Discharger reported greater than 20:1 dilution. I deleted the violation.

New Violations 16, 18, and 22. These violations were not listed in the original ROV and were not reviewed by the Discharger. Effluent Limitations B. 1. states that after 1 November 2005, the effluent limitations for total coliform organisms is a 7-day median of 2.2 MPN/100 mL. I added these violations.

New Violation 20. This violation was not listed in the original ROV and was not reviewed by the Discharger. Effluent Limitations B.1, footnote 6 states that " *No sample shall exceed a concentration of 240 MPN/100 mL.*" I added the violation for 29 June 2007.

## **pH**

Violations 15, 16, 17, and 20. The Discharger reports that there was no discharge during the period of low pH. In addition, violation 15 should have been rounded to 6.5. I deleted the violations.

## **Copper**

New Violation 21. The Discharger did not review this violation because it occurred after we sent the ROV. I added the violation.

## **Non-Serious Violations not Subject to MMPs**

Violations 6 and 21. Violations 6 and 21 were incorrectly reported as Remark 4. There were only two violations during the preceding 180 days. I changed the violations to Remark 3.

Violation 24. There were no violations during the preceding 180 days. I changed the violation to Remark 3.

## **Summary**

The total number of Group 1 violations is 3.

The total number of Group 2 violations is 1.

The total number of non-serious violations is 18; 4 are subject to MMPs.

The ACL decreases from \$57,000 to \$24,000.

**Attachment A  
City of Grass Valley  
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2000 – ~~28 February 2007~~ 31 March 2008) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 98-060, and R5-2003-0089.)

#	Date	Violation Type	Units	Limit	Measured	Period Type	Remarks
<del>4</del>	<del>16-Apr-00</del>	<del>Chlorine Residual</del>	<del>mg/l</del>	<del>0.02</del>	<del>0.5</del>	<del>1-hour</del>	<del>4</del>
2	22-Jun-00	Total Coliform	MPN/100 mL	23	50	Daily	3
						Instantaneous	
3	27-Jan-01	Chlorine Residual	mg/L	0.02	5	s	1
4	29-May-01	pH	pH units	6.5	6.2	Daily	3
5	19-Jun-01	Chlorine Residual	mg/L	0.02	0.08	1-hour	1
6	26-Oct-01	pH	pH units	6.5	6.2	Daily	<u>34</u>
7	28-Feb-02	Total Coliform	MPN/100 mL	23	80	Daily	3
<del>8</del>	<del>2-Mar-02</del>	<del>TSS</del>	<del>mg/L</del>	<del>15</del>	<del>16.35</del>	<del>Weekly</del>	<del>4</del>
<del>9</del>	<del>23-Sep-03</del>	<del>Total Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>140</del>	<del>Daily</del>	<del>3</del>
10	25-Sep-03	Total Coliform	MPN/100 mL	23	220	Daily	3
11	30-Nov-03	Total Coliform	MPN/100 mL	2.2	8	Monthly	3
12	23-Apr-04	Total Coliform	MPN/100 mL	23	30	Daily	3
13	27-Apr-04	Total Coliform	MPN/100 mL	23	50	Daily	3
14	30-Apr-04	Total Coliform	MPN/100 mL	2.2	4	Monthly	4
						Instantaneous	
<del>15</del>	<del>2-Jul-04</del>	<del>pH</del>	<del>pH units</del>	<del>6.5</del>	<del>6.45</del>	<del>s</del>	<del>4</del>
<del>16</del>	<del>12-Jul-04</del>	<del>pH</del>	<del>pH units</del>	<del>6.5</del>	<del>6.4</del>	<del>Daily</del>	<del>4</del>
<del>17</del>	<del>14-Jul-04</del>	<del>pH</del>	<del>pH units</del>	<del>6.5</del>	<del>6.4</del>	<del>Daily</del>	<del>4</del>
<del>18</del>	<del>16-Aug-04</del>	<del>Total Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>70</del>	<del>Daily</del>	<del>4</del>
19	18-Aug-04	Total Coliform	MPN/100 mL	23	1600	Daily	4
						Instantaneous	
<del>20</del>	<del>27-Sep-04</del>	<del>pH</del>	<del>pH units</del>	<del>6.5</del>	<del>6</del>	<del>s</del>	<del>4</del>
21	31-Oct-04	Total Coliform	MPN/100 mL	2.2	4	Monthly	<u>34</u>
<del>22</del>	<del>22-Mar-05</del>	<del>Total Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>30</del>	<del>Daily</del>	<del>4</del>
<del>23</del>	<del>11-May-05</del>	<del>Total Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>110</del>	<del>Daily</del>	<del>4</del>
24	20-May-05	Total Coliform	MPN/100 mL	23	50	Daily	<u>34</u>
25	7-Dec-06	Copper	µg/L	9.1	13	Monthly	1
<u>16</u>	<u>13-Dec-06</u>	<u>Coliform</u>	<u>MPN/100 mL</u>	<u>2.2</u>	<u>13</u>	<u>7-day</u>	<u>3</u>
26	15-Dec-06	Total Coliform	MPN/100 mL	2.2	<u>174</u>	7-day	3
<u>18</u>	<u>18-Dec-06</u>	<u>Coliform</u>	<u>MPN/100 mL</u>	<u>2.2</u>	<u>17</u>	<u>7-day</u>	<u>4</u>
27	4-Jan-07	Copper	µg/L	9.1	9.2	Monthly	4
<del>28</del>	<del>26-Feb-07</del>	<del>Total Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>30</del>	<del>Daily</del>	<del>4</del>
<u>20</u>	<u>29-Jun-07</u>	<u>Coliform</u>	<u>MPN/100 mL</u>	<u>240</u>	<u>300</u>	<u>Instant Max</u>	<u>3</u>
<u>21</u>	<u>02-Aug-07</u>	<u>Copper</u>	<u>µg/L</u>	<u>9.1</u>	<u>11</u>	<u>Daily</u>	<u>2</u>
<u>22</u>	<u>15-Oct-07</u>	<u>Coliform</u>	<u>MPN/100 mL</u>	<u>2.2</u>	<u>4</u>	<u>7-day</u>	<u>3</u>

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>04/30/2008</u></b>
Group I Serious Violations:	<u>34</u>
Group II Serious Violations:	<u>10</u>
Non-Serious Exempt from MPs:	<u>140</u>

Non-serious Violations Subject to MPs: 445

**Total Violations Subject to MPs:** **819**

**Mandatory Minimum Penalty = (4 Serious Violations + ~~445~~ Non-Serious Violations) x \$3,000 = \$2457,000**