

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Alleged Violation NPDES Permit No. R3-2004-0031,
Waste Water Treatment Plant
DATE: October 7, 2008

NEEDS: For the City Council to consider authorizing issuance of an Acceptance of Conditional Resolution and Waiver of Right to Hearing form with the State Water Resources Control Board.

- FACTS:**
1. On July 1, 2008, staff received a Notice of Violation (NOV) of the City's National Pollutant Discharge Elimination System (NPDES) associated with the operation of the Waste Water Treatment Plant.
 2. The NOV listed fifteen (15) violations of the discharge limits allowed under the City's permit. The penalty for the violations is \$3,000 per serious and chronic effluent limit violations or \$45,000 providing the State did not levy any discretionary administrative violations of up to \$10,000 for each day in which the violation occurred.
 3. On July 14, 2008, staff appealed four (4) of the violations (letter attached). On September 19, 2008, staff received a letter from the Board acknowledging the City's appeal, agreeing to reduce the number of violations from fifteen (15) to thirteen (13) or \$39,000. However, in order to secure the appeal, the City must return an "Acceptance of Conditional Resolution and Waiver of Right to Hearing form to the Board by October 19, 2008." Unless the form is filed, the NOV will be referred to the local Regional Board for a hearing. At such a hearing the Board could support the appeal or levy full fines and/or add administrative violations.

ANALYSIS &

CONCLUSION: Staff did review the initial NOV and appeal four (4) of the listed violations. The Regional Board responded by reducing the number of violations from fifteen to thirteen. The remaining thirteen charges are clearly in violation of the City's NPDES permit. Therefore, it would appear to be in the best interest of the City to sign and return the form waiving its right to a hearing and agree to pay the amended fines in the amount of \$39,000.

POLICY

REFERENCE: MPDS Permit No. R3-2004-0031

FISCAL

IMPACT: The Wastewater Treatment Operating Fee Fund would be reduced by \$39,000

- OPTIONS:**
- a.** Adopt Resolution No. 08-xx authorizing staff to send an “Acceptance of Conditional Resolution and Waiver of Right to Hearing form to the Board by October 19, 2008” appropriate \$39,000 from the Wastewater Treatment Operating Fund to budget No. 601-910-5224-683 to render payment of the final Notice of Violation.
 - b.** Amend, modify, or reject the above option.

Attachments (4)

- 1) Resolution
- 2) September 19, 2008 letter from RWQCB
- 3) July 14, letter by City of Paso Robles
- 4) July 1, 2008 letter from RWQCB

RESOLUTION NO. 08-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES AUTHORIZING STAFF TO ISSUE AN ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING TO THE REGIONAL WATER QUALITY CONTROL BOARD

WHEREAS, On July 1, 2008, staff received a Notice of Violation (NOV) of the City's National Pollutant Discharge Elimination System (NPDES) associated with the operation of the Waste Water Treatment Plant; and

WHEREAS, The NOV listed fifteen (15) violations of the discharge limits allowed under the City's permit. The penalty for the violations is \$3,000 per serious and chronic effluent limit violations or \$45,000 providing the State did not levy any discretionary administrative violations of up to \$10,000 for each day in which the violation occurred; and

WHEREAS, On July 14, 2008, staff appealed four (4) of the violations, and;

WHEREAS, on September 19, 2008, staff received a letter from the Board acknowledging the City's appeal, agreeing to reduce the number of violations from fifteen (15) to thirteen (13) or \$39,000, and;

WHEREAS, in order to secure the appeal, the City must return an "Acceptance of Conditional Resolution and Waiver of Right to Hearing form to the Board by October 19, 2008."

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby authorize staff to send an "Acceptance of Conditional Resolution and Waiver of Right to Hearing form to the Board by October 19, 2008."

SECTION 2. The City Council of the City of El Paso de Robles does hereby appropriate \$39,000 from the Wastewater Treatment Operating Fund to budget No. 601-910-5224-683 to render payment of the final Notice of Violation.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 7th day of October 2008 by the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Office of Enforcement

1001 I Street • Sacramento, California 95814 • (916) 341-5277
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5284 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

SEPTEMBER 19, 2008

DOUGLAS MONN
DIRECTOR OF PUBLIC WORKS
CITY OF EL PASO DE ROBLES
3400 SULPHUR SPRINGS RD.
PASO ROBLES, CA 93446

RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – PASO ROBLES WWTP (NPDES Permit No. R3-2004-0031, WDID No. 3 400105001)

Thank you for your letter dated July 14, 2008, responding to Offer to Participate in Expedited Payment Program No. SWB-2008-3-0011, which assessed mandatory minimum penalties (MMPs) for violations of effluent limitations. This letter addresses your comments in this regard.

First, the State Water Board has determined that the alleged violations 443180 and 439758 should be combined into a single violation, and that violation 493304 is not supported, based on the arguments provided in your letter.

Second, violation 566484 has been found to be supported, based on the enclosed April 2007 monitoring report submitted to the Regional Water Board by the PERMITTEE, which contains a reported value of 230 mg/L for effluent sodium.

These determinations have been verified with the Central Coast Regional Water Quality Control Board (Regional Water Board) and the invalid violations have been expunged from the CIWQS database. The enclosed Exhibit A – Notice of Violation has been amended to remove the invalid violations.

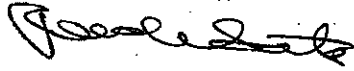
Since the PERMITTEE requested a review of these violations, the State Water Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the previously sent Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **OCTOBER 19, 2008**. By signing the Acceptance and Waiver, the PERMITTEE agrees to pay the penalty as indicated on the amended Exhibit A – Notice of Violation and waives the right to a hearing. If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding a formal enforcement action that will be initiated with regard to the contested violations.

California Environmental Protection Agency



Thank you for your assistance in this matter. Should you have any questions, please contact Taryn Stokell at (916) 327-8039.

Sincerely,



REED SATO
Director, Office of Enforcement

Encl. -- Discharger Self Monitoring Report, April 2007
Exhibit A -- Notice of Violation (amended)

California Environmental Protection Agency



CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
DISCHARGER SELF MONITORING REPORT

CITY OF PASO ROBLES
3200 SULPHUR SPRINGS RD
PASO ROBLES, CA 93446

MONTHLY REPORT

Apr-07

FACILITY ID# 3400108001
NPDES # 47953
WDR ORDER # R3-2004-0031
SAMPLE TYPE 24-HR COMP

DESCRIPTION	REPORTING PERIOD		EFFLUENT B	EFFLUENT B	EFFLUENT B	EFFLUENT B	EFFLUENT B	BEGINNING	4/1/2007	ENDING	4/30/2007
	DATE	UNITS									
NAME											
UNITS											
FREQUENCY											
DATE											
4/10/2007		1000		200		290					
4/10/2007		980		230		290					
				566-789							
AVG		990		216		290					
HIGH		1000		230		290					
LOW		980		200		290					
# READINGS		2		2		2					
REQ #1		MAX 1,100		MAX 225		MAX 310					
EXCEEDED											
REQ #2											
EXCEEDED											
REQ #3											
EXCEEDED											
% REMOVAL											
REMARKS :	TDS, CL, Na, SO4, RESULTS ARE										
AVG. OF CREEK LAB AND CLINICAL LAB. OF SAN BERNARDINO	Name of Authorized Agent										
I declare under penalty of law that the foregoing is true and accurate as specified in the WDO for this facility.											
Signature of Authorized Agent											

Name of Authorized Agent

Date: 5/14/07

Exhibit "A"
City of Paso Robles
Paso Robles WWTP

NOTICE OF VIOLATIONS (1 January 2000 – 31 December 2007)
MANDATORY MINIMUM PENALTIES WITHOUT ENFORCEMENT

The following table lists this facility's alleged violations of subdivisions (h) and (i) of California Water Code section 13385, from January 1, 2000 through December 31, 2007, which have not received mandatory minimum penalty assessment by the Water Boards. Final calculation of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed below. For additional information about the alleged violations listed in the table, please refer to the SWRCB Public Reports webpage http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml; choose the "MMP Report" link located under the "Enforcement Reports" category. Once in the Public Reports search page, enter the search criteria that correspond to your facility to access the list of violations.

Violation ID	Occurred Date	Type	MMP Type	Violation Description
428628	6/8/2006	CAT1	CHRON	Sodium violation; reported value of 230 mg/L, limit = 225 mg/L.
437809	8/3/2006	CAT1	CHRON	Non-compliant result was: 230 mg/L.
439163	8/16/2006	OEV	CHRON	Total coliform violation; permit limit of 2300 MPN/ 100 mL; reported value of 5000 MPN/ 100 mL.
439758	9/7/2006	CAT1	CHRON	Non-compliant result was: 230 mg/L.
493233	12/6/2006	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 240 mg/L.
566484	4/10/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 230 mg/L.
566480	4/26/2007	OEV	CHRON	Effluent total coliform violation; permit limit of 2300 MPN/ 100 mL; reported value of 2800 MPN/ 100 mL.
634631	6/7/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 230 mg/L.
634670	7/3/2007	CAT1	CHRON	Sodium violation; permit limit of 225 mg/L; reported value of 255 mg/L.
634668	7/11/2007	CAT1	CHRON	Bis (2- Ethylhexyl) Phthalate violation; permit limit of 5.0 ug/L; reported value of 5.3 ug/L.
694370	9/11/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 255 mg/L.
711674	11/6/2007	CAT1	CHRON	Sodium violation; permit limit of 225 mg/L; reported value of 240 mg/L.
493237	1/9/2007	CAT2	SIG	Effluent unionized ammonia violation; permit limit of 0.025 mg/L; reported value of 0.078 mg/L.

Mandatory Minimum Penalty Amount Owed for Effluent Violations

(1 Serious Violation + 12 Chronic Violations) × \$3,000 = \$39,000 to the Cleanup & Abatement Account

Mandatory Minimum Penalty Amount Owed for Reporting Violations

(0 Late Reporting Violations + 0 Deficient Reporting Violations) × \$3,000 = \$0 to the Waste Discharge Permit Fund

Definition of Acronyms & Abbreviations

CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.
Violation ID	Identification number assigned to a violation in CIWQS.
Occurrence Date	Date that a violation actually occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the Discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
Type	Classification of a violation. Two types of violations relate to MMPs: 1) Late Reporting Violations (LREP, DREP) 2) Effluent Violations (ATOX, CTOX, CAT1, CAT2, OEV)
LREP	Late reporting violation. Every 30 days a report is late counts as one late reporting violation.
DREP	Deficient reporting violation. This will only result in an MMP if the report is so deficient as to make determination of compliance impossible for that reporting period.
ATOX	Violation of an acute toxicity effluent limitation.
CTOX	Violation of a chronic toxicity effluent limitation.
CAT1	Violation of an effluent limitation for a Group I pollutant by more than 40%.
CAT2	Violation of an effluent limitation for a Group II pollutant by more than 20%.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
MMP Type	Classification of the type of MMP violation.
CHRON	Chronic violation as defined by California Water Code section 13385 (i). To be counted as a chronic violation, there must be 3 preceding violations within a 180 day period. The fourth non-serious violation that occurs within the 180 period is an MMP violation.
SIG	Serious violation as defined by California Water Code section 13385 (h). Waste discharge exceeds the effluent limitation for a Group I pollutant by 40% or more (CAT1), or a Group II pollutant by 20% or more (CAT2). Also defined by California Water Code section 13385.1 as a failure to file a discharge monitoring report pursuant to Section 13383 for each period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
Violation Description	Narrative description of the violation.
M	Effluent exceeds limit for monthly reporting period.
Q	Effluent exceeds limit for quarterly reporting period.
S	Effluent exceeds limit for semi-annual reporting period.
A	Effluent exceeds limit for annual reporting period.
IM	Effluent exceeds instantaneous maximum limitation.
DM	Effluent exceeds daily maximum limitation.
AW	Effluent exceeds average weekly limitation.
AM	Effluent exceeds average monthly limitation.



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

July 14, 2008

State Water Resources Control Board
Attention: Reed Sato – Office of Enforcement
P.O. Box 100
Sacramento, CA 95812-0100

RE: No. SWB-2008-3-0011 – Offer to participate in expedited payment program relating to violation of NPDES permit.

Mr. Sato:

In accordance with page 3 of the July 1, 2008 NOV, the City of Paso Robles is contesting three (3) of the fifteen (15) violations noted on the included Notice of Violation. Specific information would be as follows:

Violation ID:

- A. 443180 and 439758 – dated 9/7/2006. There appear to have been two (2) violations issued for the same issue on the same day under two (2) separate numbers. We believe only a single violation occurred.
- B. 493304 – dated 1/8/2007. The City's permit limit is 6.5 to 8.3 *not* 7 to 8.3. Additionally, the reported value was 7.2 *not* 6.9, therefore the City was within the parameters set forth under its permit.
- C. 566484 – dated 4/10/2007. Our records show the reported value as 225 mg/L *not* 230 and therefore not exceeding the permit limit.

The City acknowledges the remaining thirteen (13) violations and subject to a final determination with regards to the above noted exceptions agrees to participate in the Expedited Payment Program.

Sincerely,

Douglas Monn
Director of Public Works

cc: City Manager
Chris Slater, Waste Water Supervisor
Derrill Whitten, Cornerstone Engineering

1000 SPRING STREET • PASO ROBLES, CALIFORNIA 93446 • www.prcity.com



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Office of Enforcement

1001 I Street • Sacramento, California 95814 • (916) 341-5277
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5284 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

JULY 1, 2008

CHRIS SLATER
CITY OF PASO ROBLES
3400 SULPHUR SPRINGS RD.
PASO ROBLES, CA 93446

VIA CERTIFIED MAIL
7003 3110 0003 0767 3405

No. SWB-2008-3-0011– OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF NPDES PERMIT PASO ROBLES WWTP, 3400 SULPHUR SPRINGS RD., PASO ROBLES, CA 93446 (NPDES Permit No. R3-2004-0031, WDID No. 3 400105001)

Dear Facility Contact:

This letter is to notify CITY OF PASO ROBLES (hereinafter "PERMITTEE" or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's (State Water Board) water quality data system and to allow the PERMITTEE to participate in the Water Boards' Expedited Payment Program for Effluent or Reporting Violations (Expedited Payment Program) to address liability which may be assessed pursuant to Water Code sections 13385 and 13385.1.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of June 2008, the State Water Board's Office of Enforcement alleges that the PERMITTEE has violated the effluent limitations, reporting violations, or 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 \$3,000 for specified serious and chronic effluent limit violations. 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 a Regional Water Quality Control Board (Regional Water Board) or the State Water Board (collectively "the Water

California Environmental Protection Agency



Boards"), beginning with the date that the violations first occurred¹. The formal enforcement action which the Water Boards use to assess such liability is an administrative civil liability complaint although the Water Boards 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 Water Boards' Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the State Water 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 as indicated on Exhibit A, for the violations described in the NOV. If the PERMITTEE elects to do so, subject to the conditions below, the State Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the Notice of Violation. Accordingly, the State Water 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 Notice of Violation. Resolution of these violations by the State Water Board will preclude Regional Water Board action for these same violations.

The Expedited Payment Program does not address liability for any violation that is not specifically identified in the Notice of Violation.

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 July 31, 2008. The Acceptance and Waiver will be held, pending a 30-day public notice period, and then will be counter-signed by the Executive Director and returned to you with an invoice for payment.

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 Permittee has not been substantially prejudiced by the passage of time between the date(s) that Permittee reported the violations identified on Exhibit A and the date of this letter. The Permittee was aware of the violations at the time it reported them to the Regional Board. Regional Board staff's limited enforcement resources and competing enforcement priorities provide a rational explanation for the delay. In fact, the delay has actually benefited the Permittee because it extended the time before payment of the mandatory minimum penalties is due. For these reasons, any delay is not unreasonable.

If you contest some but not all of the violations identified in the attached Notice of Violation, the PERMITTEE may elect to reserve the right to address the contested matters and resolve any uncontested violations through the payment of the mandatory minimum penalty for each uncontested violation. If the PERMITTEE chooses this option, please communicate with the staff contact identified below to discuss the mechanism for memorializing that election on or before the due date.

If the PERMITTEE chooses to contest any of the violations alleged in the Notice of Violation, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date. The State Water Board staff will evaluate the contested violation and take one of two actions:

- 1) The State Water Board staff will determine that the violation is not supported, verify that determination with the Regional Water Board, expunge the alleged violation from the CIWQS data base once the Regional Water Board verifies the determination, take no further action against the PERMITTEE for the alleged violation, and notify the PERMITTEE of that determination;
- 2) The State Water Board staff, in consultation with the Regional Water 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 State Water Board staff determination, to submit a supplemental Expedited Payment for those violations. If the PERMITTEE chooses not to make a payment in response to the 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 which can be considered in assessing the liability amount.

CONDITIONS FOR STATE WATER BOARD ACCEPTANCE OF RESOLUTION:

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

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

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 unresolved 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 Executive Director, payment of the assessed amount shall be due and payable to the State Water Board as specified on the invoice that will accompany the PERMITTEE's receipt of the notice of the Executive Director's execution. The payment period is thirty (30) days. Failure to pay the penalty within the required time period may subject the PERMITTEE to further liability.

Should you have any questions about the Notice of Violation or the Conditional Offer, please contact Taryn Stokell at (916) 327-8039 regarding this matter.

Sincerely,



REED SATO
Director, Office of Enforcement

Encl. – Exhibit "A" - Notice of Violation
Acceptance of Conditional Resolution
and Waiver of Right to Hearing; (Proposed) Order

Exhibit "A"
City of Paso Robles
Paso Robles WWTP

NOTICE OF VIOLATIONS (1 January 2000 – 31 December 2007)
MANDATORY MINIMUM PENALTIES WITHOUT ENFORCEMENT

The following table lists this facility's alleged violations of subdivisions (h) and (i) of California Water Code section 13385, from January 1, 2000 through December 31, 2007, which have not received mandatory minimum penalty assessment by the Water Boards. Final calculation of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed below. For additional information about the alleged violations listed in the table, please refer to the SWRCB Public Reports webpage http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml; choose the "MMP Report" link located under the "Enforcement Reports" category. Once in the Public Reports search page, enter the search criteria that correspond to your facility to access the list of violations.

Violation ID	Occurred Date	Type	MMP Type	Violation Description
428628	6/8/2006	CAT1	CHRON	Sodium violation; reported value of 230 mg/L, limit = 225 mg/L.
437809	8/3/2006	CAT1	CHRON	Non-compliant result was: 230 mg/L
439168	8/16/2006	OEV	CHRON	Total coliform violation; permit limit of 2300 MPN/ 100 mL; reported value of 5000 MPN/ 100 mL.
443180	9/7/2006	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 230 mg/L.
439758	9/7/2006	CAT1	CHRON	Non-compliant result was: 230 mg/L
493233	12/6/2006	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 240 mg/L.
493304	1/8/2007	OEV	CHRON	Effluent pH violation; permit limit of 7-8.3; reported value of 6.9.
566484	4/10/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 230 mg/L.
566480	4/26/2007	OEV	CHRON	Effluent total coliform violation; permit limit of 2300 MPN/ 100 mL; reported value of 2800 MPN/ 100 mL.
634631	6/7/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 230 mg/L.
634670	7/3/2007	CAT1	CHRON	Sodium violation; permit limit of 225 mg/L; reported value of 255 mg/L.
634668	7/11/2007	CAT1	CHRON	Bis (2- Ethylhexyl) Phthalate violation; permit limit of 5.0 ug/L; reported value of 5.3 ug/L.
694370	9/11/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 255 mg/L.
711674	11/6/2007	CAT1	CHRON	Sodium violation; permit limit of 225 mg/L; reported value of 240 mg/L.
493237	1/9/2007	CAT2	SIG	Effluent unionized ammonia violation; permit limit of 0.025 mg/L; reported value of 0.078 mg/L.

Mandatory Minimum Penalty Amount Owed for Effluent Violations

(1 Serious Violations + 14 Chronic Violations) x \$3,000 = \$45,000 to the Cleanup & Abatement Account

Mandatory Minimum Penalty Amount Owed for Reporting Violations

(0 Late Reporting Violations + 0 Deficient Reporting Violations) x \$3,000 = \$0 to the Waste Discharge Permit Fund

Definition of Acronyms & Abbreviations

CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.
Violation ID	Identification number assigned to a violation in CIWQS.
Occurrence Date	Date that a violation actually occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the Discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
Type	Classification of a violation. Two types of violations relate to MMPs: 1) Late Reporting Violations (LREP, DREP) 2) Effluent Violations (ATOX, CTOX, CAT1, CAT2, OEV)
LREP	Late reporting violation. Every 30 days a report is late counts as one late reporting violation.
DREP	Deficient reporting violation. This will only result in an MMP if the report is so deficient as to make determination of compliance impossible for that reporting period.
ATOX	Violation of an acute toxicity effluent limitation.
CTOX	Violation of a chronic toxicity effluent limitation.
CAT1	Violation of an effluent limitation for a Group I pollutant by more than 40%.
CAT2	Violation of an effluent limitation for a Group II pollutant by more than 20%.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
MMP Type	Classification of the type of MMP violation.
CHRON	Chronic violation as defined by California Water Code section 13385 (i). To be counted as a chronic violation, there must be 3 preceding violations within a 180 day period. The fourth non-serious violation that occurs within the 180 period is an MMP violation.
SIG	Serious violation as defined by California Water Code section 13385 (h). Waste discharge exceeds the effluent limitation for a Group I pollutant by 40% or more (CAT1), or a Group II pollutant by 20% or more (CAT2). Also defined by California Water Code section 13385.1 as a failure to file a discharge monitoring report pursuant to Section 13383 for each period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
Violation Description.	Narrative description of the violation.
M	Effluent exceeds limit for monthly reporting period.
Q	Effluent exceeds limit for quarterly reporting period.
S	Effluent exceeds limit for semi-annual reporting period.
A	Effluent exceeds limit for annual reporting period.
IM	Effluent exceeds instantaneous maximum limitation.
DM	Effluent exceeds daily maximum limitation.
AW	Effluent exceeds average weekly limitation.
AM	Effluent exceeds average monthly limitation.

Exhibit "A"
City of Paso Robles
Paso Robles WWTP

NOTICE OF VIOLATIONS (1 January 2000 – 31 December 2007)
MANDATORY MINIMUM PENALTIES WITHOUT ENFORCEMENT

The following table lists this facility's alleged violations of subdivisions (h) and (i) of California Water Code section 13385, from January 1, 2000 through December 31, 2007, which have not received mandatory minimum penalty assessment by the Water Boards. Final calculation of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed below. For additional information about the alleged violations listed in the table, please refer to the SWRCB Public Reports webpage http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml; choose the "MMP Report" link located under the "Enforcement Reports" category. Once in the Public Reports search page, enter the search criteria that correspond to your facility to access the list of violations.

Violation ID	Occurred Date	Type	MMP Type	Violation Description
428628	6/8/2006	CAT1	CHRON	Sodium violation; reported value of 230 mg/L, limit = 225 mg/L.
437809	8/3/2006	CAT1	CHRON	Non-compliant result was: 230 mg/L
439163	8/16/2006	OEV	CHRON	Total coliform violation; permit limit of 2300 MPN/ 100 mL; reported value of 5000 MPN/ 100 mL.
439758	9/7/2006	CAT1	CHRON	Non-compliant result was: 230 mg/L
493233	12/6/2006	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 240 mg/L.
566484	4/10/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 230 mg/L.
566480	4/26/2007	OEV	CHRON	Effluent total coliform violation; permit limit of 2300 MPN/ 100 mL; reported value of 2800 MPN/ 100 mL.
634631	6/7/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 230 mg/L.
634670	7/3/2007	CAT1	CHRON	Sodium violation; permit limit of 225 mg/L; reported value of 255 mg/L.
634668	7/11/2007	CAT1	CHRON	Bis (2- Ethylhexyl) Phthalate violation; permit limit of 5.0 ug/L; reported value of 5.3 ug/L.
694370	9/11/2007	CAT1	CHRON	Effluent sodium violation; permit limit of 225 mg/L; reported value of 255 mg/L.
711674	11/6/2007	CAT1	CHRON	Sodium violation; permit limit of 225 mg/L; reported value of 240 mg/L.
493237	1/9/2007	CAT2	SIG	Effluent unionized ammonia violation; permit limit of 0.025 mg/L; reported value of 0.078 mg/L.

Mandatory Minimum Penalty Amount Owed for Effluent Violations

(1 Serious Violation + 12 Chronic Violations) x \$3,000 = \$39,000 to the Cleanup & Abatement Account

Mandatory Minimum Penalty Amount Owed for Reporting Violations

(0 Late Reporting Violations + 0 Deficient Reporting Violations) x \$3,000 = \$0 to the Waste Discharge Permit Fund

Definition of Acronyms & Abbreviations

CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.
Violation ID	Identification number assigned to a violation in CIWQS.
Occurrence Date	Date that a violation actually occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the Discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
Type	Classification of a violation. Two types of violations relate to MMPs: 1) Late Reporting Violations (LREP, DREP) 2) Effluent Violations (ATOX, CTOX, CAT1, CAT2, OEV)
LREP	Late reporting violation. Every 30 days a report is late counts as one late reporting violation.
DREP	Deficient reporting violation. This will only result in an MMP if the report is so deficient as to make determination of compliance impossible for that reporting period.
ATOX	Violation of an acute toxicity effluent limitation.
CTOX	Violation of a chronic toxicity effluent limitation.
CAT1	Violation of an effluent limitation for a Group I pollutant by more than 40%.
CAT2	Violation of an effluent limitation for a Group II pollutant by more than 20%.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
MMP Type	Classification of the type of MMP violation.
CHRON	Chronic violation as defined by California Water Code section 13385 (i). To be counted as a chronic violation, there must be 3 preceding violations within a 180 day period. The fourth non-serious violation that occurs within the 180 period is an MMP violation.
SIG	Serious violation as defined by California Water Code section 13385 (h). Waste discharge exceeds the effluent limitation for a Group I pollutant by 40% or more (CAT1), or a Group II pollutant by 20% or more (CAT2). Also defined by California Water Code section 13385.1 as a failure to file a discharge monitoring report pursuant to Section 13383 for each period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
Violation Description	Narrative description of the violation.
M	Effluent exceeds limit for monthly reporting period.
Q	Effluent exceeds limit for quarterly reporting period.
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A	Effluent exceeds limit for annual reporting period.
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