

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JAN 30 2008

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Walnut Creek Sewer District  
102 East Columbus Street  
Pleasantville, Ohio 43148

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Director's Final Findings  
and Orders

Respondent

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

PREAMBLE

It is agreed by the Parties hereto as follows:

By: *Derry Jackson* Date: 1-30-08

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Walnut Creek Sewer District ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("EPA") under Ohio Revised Code (R.C.) §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in R.C. Chapters 6111 and 3745, and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent is a sewer district established under R.C. Chapter 6119 to provide for the collection, treatment, and disposal of sewage generated primarily in the

Villages of Thurston and Pleasantville in Walnut and Pleasant Townships, Fairfield County, Ohio.

2. Respondent operates a wastewater treatment plant (WWTP) located east of Route 37 at 1700 Leitnaker Road, Pleasantville, Ohio. The WWTP consists of two oxidation ditches, two clarifiers, and ultraviolet disinfection prior to discharge. Sludge can be dried on two sand beds or routed into an aerobic digester for further processing prior to disposal. The WWTP is designed to treat 0.181 million gallons per day (MGD) of sewage.
3. Respondent holds a National Pollutant Discharge Elimination System (NPDES) permit, number 4PA00005\*FD, effective May 1, 2003, which authorizes Respondent to discharge effluent from the WWTP to Pleasantville Creek. Pleasantville Creek flows into Walnut Creek. Pleasantville Creek and Walnut Creek are defined as "waters of the state" pursuant to R.C. § 6111.01. Respondent's NPDES permit expires on April 30, 2008. Respondent timely submitted an application for renewal of its NPDES permit on October 30, 2007.
4. Respondent also operates a separate sanitary sewer collection system tributary to the WWTP. The sanitary sewer collection system includes three lift stations. One serves Thurston, another serves Pleasantville, and the third is located on the north side of Leitnaker Road east of Millersport Road.
5. Numerous wet weather sanitary sewer overflows (SSOs) have occurred from an illegally installed overflow pipe in the Leitnaker Road lift station. These SSOs consist of untreated sanitary sewage which flows to an unnamed tributary of Pleasantville Creek. Untreated sanitary sewage is "pollution," as that term is defined in R.C. § 6111.01. The unnamed tributary of Pleasantville Creek and Pleasantville Creek are defined as "waters of the state" pursuant to R.C. § 6111.01.
6. Each day of discharge of sanitary sewage from the Leitnaker Road lift station to waters of the state without a valid NPDES permit for the discharge is a separate violation of R.C. §§ 6111.04 and 6111.07. The dates of SSOs known to Ohio EPA are listed in Attachment I. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
7. The discharge of pollutants into waters of the state in excess of the permissible limits of a NPDES permit is a violation of R.C. § 6111.04.
8. Ohio EPA inspected Respondent's WWTP on September 25, 2001, December

10, 2002, October 20, 2003, and November 18, 2004. Following these inspections, letters dated October 3, 2001, December 23, 2002, December 9, 2003, and December 9, 2004, along with inspection reports listing violations of Respondent's NPDES permit, were sent to Respondent.

9. Numerous violations of Respondent's NPDES permit effluent limitations for total suspended solids, ammonia, fecal coliform, dissolved oxygen, carbonaceous biochemical oxygen demand (CBOD5), and oil and grease have been documented by the Ohio EPA. These violations are listed in Attachment II. Each violation cited in Attachment II constitutes a separate violation of R.C. §§ 6111.04 and 6111.07. Attachment II is hereby incorporated into these Findings and Orders as if fully stated herein.
10. On at least three occasions, December 10, 2002, October 20, 2003, and October 18, 2004, a significant amount of sludge was discharged from the WWTP into Pleasantville Creek. The discharge of sludge into the creek is a violation of general effluent limitations contained in Part III.2. of Respondent's NPDES permit. Each day of violation constitutes a separate violation of R.C. §§ 6111.04 and 6111.07.
11. Respondent has failed to maintain and operate the WWTP and sanitary sewer collection system in a fashion necessary to ensure consistent compliance as required in Parts III.3.A. and III.3.B. of its NPDES permit. Failure to maintain the WWTP and the sanitary sewer collection system as required to ensure consistent compliance is a violation of R.C. § 6111.07. Each day of violation is a separate offense.
12. Pursuant to the schedule of compliance contained in Part I.C.2. of Respondent's NPDES permit, Respondent was required to submit to Ohio EPA a comprehensive maintenance/operational plan ("Plan") for its sanitary sewer system, including if necessary, WWTP improvements, within twelve months of the effective date of the permit, and to modify the Plan within one month of receipt of comments from Ohio EPA. Respondent timely submitted a plan. By letter dated June 14, 2005, Ohio EPA sent comments on the Plan to Respondent. Respondent subsequently modified and resubmitted the Plan in accordance with Ohio EPA's comments on April 7, 2006, October 5, 2006, and October 24, 2006.
13. On August 1, 2007, Respondent submitted an application for a permit to install ("PTI") approximately 3,000 feet of force main to separate flows from the Villages of Thurston and Pleasantville in order to eliminate the SSO at the Leitnaker Road

lift station. Respondent completed construction of the Leitnaker Road force main separation project in accordance with an approved PTI and placed the force main into operation on December 11, 2007.

14. R.C. § 6111.07(A) prohibits any person from violating, or failing to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violating any order, rule, or term or condition of a permit issued or adopted by the Director of Environmental Protection pursuant to those sections. Each day of violation is a separate offense.
15. Based on the observed conditions and sampling results, it is necessary that sanitary sewer collection system and WWTP improvements be constructed, maintained, and operated in order to consistently protect public health and welfare and waters of the state.
16. Compliance with R.C. Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
17. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sanitary sewer collection system. Any such construction or modification is subject to the permit to install (PTI) requirements of R.C. §§ 6111.44 and 6111.45 and Ohio Administrative Code (OAC) Chapter 3745-42.
18. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and their relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of R.C. Chapter 6111.

#### **V. ORDERS**

1. Respondent shall operate and maintain its sanitary sewer system and WWTP in accordance with all requirements in its NPDES permit, 4PA00005\*FD, and any successor permits, and R.C. Chapter 6111.
2. Respondent shall install an equalization ("EQ") basin and a new updated headworks for the WWTP as expeditiously as practicable, but not later than the following schedule:

- a. By no later than March 15, 2008, Respondent shall submit a complete and approvable revised PTI application and detailed plans for the EQ basin and new updated headworks.
  - b. Respondent shall submit corrections to address any deficiencies in the PTI application referenced in Order No. 2.a. of these Orders to Ohio EPA, in accordance with Section X. of these Orders, within thirty (30) days of notification by letter from Ohio EPA of any deficiencies.
  - c. By no later than August 1, 2008, Respondent shall commence construction of the EQ basin and new updated headworks in accordance with the approved PTI.
  - d. By no later than February 27, 2009, Respondent shall complete construction of the EQ basin and new updated headworks in accordance with the approved PTI and place them into service.
  - e. Respondent shall notify the Central District Office of Ohio EPA, in accordance with Section X. of these Orders, within seven (7) days of commencing construction.
  - f. Respondent shall notify the Central District Office of Ohio EPA, in accordance with Section X. of these Orders, within seven (7) days of completion of construction.
3. During periods of elevated flow into the WWTP, Respondent shall operate its sanitary sewer collection system and WWTP in the best practicable manner to minimize detrimental impact of such flow on both the WWTP and waters of the state, including but not limited to Pleasantville Creek.
  4. Respondent shall report all SSO discharges in accordance with Part III.12 of Respondent's NPDES permit.
  5. Respondent shall eliminate all SSO discharges from its sanitary sewer collection system and WWTP by no later than December 31, 2011.
  6. Respondent shall further minimize infiltration and inflow ("I&I") of ground and surface water into its sanitary sewer collection system to the extent necessary to provide consistent compliance with Respondent's NPDES permit and any renewals thereof. This work must occur as soon as possible, but not later than

the dates contained in the following schedule:

- a. By February 15, 2008, Respondent shall commence field work to determine sources of I&I, initiate review of data and a rate study to determine the appropriate rate structure to operate the WWTP and sanitary sewer collection system and to fund the I&I elimination projects.
- b. By no later than August 29, 2008, Respondent shall complete the work in Order No. 6.a., and submit the results of its I&I investigation and recommendations for three phases of sewer system construction and repair ("I&I remediation plan") to the Central District Office of Ohio EPA, in accordance with Section X. of these Orders, for review and comment.
- c. Within thirty (30) days of receipt of any written comments from the Division of Surface Water in the Central District Office of Ohio EPA regarding the I&I remediation plan submitted in accordance with Order No. 6.b., Respondent shall address the comments and resubmit the revised I&I remediation plan to the Central District Office of Ohio EPA, in accordance with Section X. of these Orders.
- d. Following receipt of written acceptance of the I&I remediation plan by the Division of Surface Water in the Central District Office of Ohio EPA, Respondent shall implement the plan as expeditiously as practicable, but not later than the dates in Orders Nos. 6.e. through 6.j.
- e. By no later than July 31, 2009, Respondent shall award contracts for Phase 1 of the I&I remediation plan and commence construction of Phase 1 work.
- f. By no later than December 31, 2009, Respondent shall complete construction of Phase 1 of the I&I remediation plan.
- g. By no later than July 31, 2010, Respondent shall award contracts for Phase 2 of the I&I remediation plan and commence construction of Phase 2 work.
- h. By no later than December 31, 2010, Respondent shall complete construction of Phase 2 of the I&I remediation plan.
- i. By no later than July 31, 2011, Respondent shall award contracts for Phase 3 of the I&I remediation plan and commence construction of Phase

3 work.

- j. By no later than December 31, 2011, Respondent shall complete construction of Phase 3 of the I&I remediation plan.
  - k. Respondent shall notify the Central District Office of Ohio EPA, in accordance with Section X. of these Orders, within seven (7) days of commencing field work, review of data, and the rate study.
  - l. Respondent shall notify the Central District Office of Ohio EPA, in accordance with Section X. of these Orders, within seven (7) days of commencing construction of each phase of the I&I remediation plan.
  - m. Respondent shall notify the Central District Office of Ohio EPA, in accordance with Section X. of these Orders, within seven (7) days of completion of construction of each phase of the I&I remediation plan.
7. Respondent shall dispose of sludge from the WWTP in an acceptable fashion as frequently as necessary to prevent the discharge of sludge to waters of the state. Acceptable sludge disposal options include disposal at another WWTP, disposal at a landfill, and disposal by land application at agronomic rates on authorized sites. If Respondent chooses land application for sludge disposal, then such disposal must be in compliance with the requirements contained in OAC Chapter 3745-40.
8. Respondent shall pay the amount of thirty thousand dollars (\$30,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Twelve thousand dollars (\$12,000.00) of the penalty shall be paid by tendering official checks made payable to "Treasurer, State of Ohio" in accordance with the schedule below. The official checks shall be submitted to Brenda Case, or her successor, together with letters identifying the Respondent, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

- a) Within sixty (60) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of three thousand dollars (\$3,000.00).

- b) Within one hundred fifty (150) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of three thousand dollars (\$3,000.00).
  - c) Within two hundred forty (240) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of three thousand dollars (\$3,000.00).
  - d) Within three hundred sixty (360) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of three thousand dollars (\$3,000.00).
9. In lieu of paying three thousand dollars (\$3,000.00) of civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of three thousand dollars (\$3,000.00) to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for three thousand dollars (\$3,000.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Photocopies of all of the checks shall be sent to Ohio EPA in accordance with Section X. of these Orders.

10. In lieu of paying the remaining fifteen thousand dollars (\$15,000.00) of the civil penalty, Respondent shall carry out another SEP by spending a minimum of fifteen thousand dollars (\$15,000.00) of Respondent's money to perform the field work to determine sources of I&I in its sanitary sewer system and/or for construction of Phase 1 of the remediation plan. The I&I field work and construction of Phase 1 of the remediation plan shall commence and be completed as expeditiously as practicable, but no later than the dates in Order No. 6, which is a schedule faster than previously intended by Respondent. Respondent shall submit to Ohio EPA, in accordance with Section X. of these Orders, documentation of the expenditure of a minimum of fifteen thousand dollars (\$15,000.00) of Respondent's money for the field work to determine sources of I&I in its sanitary sewer system and/or for construction of Phase 1 of

the remediation plan within thirty (30) days of expenditure of this money or by December 31, 2009, whichever is earlier.

11. Should Respondent fail to fund the SEP in Order No. 9 within the required time frame set forth in Order No. 9, Respondent shall immediately pay to Ohio EPA three thousand dollars (\$3,000.00) of the civil penalty .by tendering an official check made payable to "Treasurer, State of Ohio" for three thousand dollars (\$3,000.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA in accordance with Section X. of these Orders.

12. Should Respondent fail to fund the SEP in Order No. 10 within the required time frame set forth in Order No. 10, by no later than January 31, 2010, Respondent shall pay to Ohio EPA the unspent portion of the fifteen thousand dollars (\$15,000.00) of the civil penalty by tendering an official check made payable to "Treasurer, State of Ohio" for the amount of the unspent portion of the fifteen thousand dollars (\$15,000.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA in accordance with Section X. of these Orders.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division

of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at Respondent's WWTP or sanitary sewer collection system.

#### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

#### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
Division of Surface Water  
Attn: DSW Enforcement Unit Supervisor  
122 South Front Street  
Columbus, Ohio 43215

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Surface Water  
Attn: Manager, Storm water and Enforcement Section  
50 West Town Street, Suite 700 [P.O. Box 1049]  
Columbus, Ohio 43215 [43216-1049]

[For mailings use the post office box number and zip code in brackets]

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these

Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

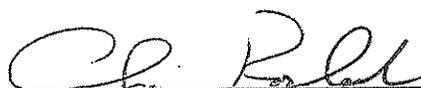
### **XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:  
Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Chris Korleski  
Director

\_\_\_\_\_  
Date 1/28/08

**IT IS SO AGREED:  
Walnut Creek Sewer District**

Signature  \_\_\_\_\_

\_\_\_\_\_  
Date 1-17-2008

JAN Z JANIS  
\_\_\_\_\_  
Printed or Typed Name

PRESIDENT  
\_\_\_\_\_  
Title

**Attachment I  
Walnut Creek Sewer District**

**Reported SSO events (04/11/01 - 12/31/07) and oxidation ditch rotor shutdown events**

| <u>Date</u> | <u>Location/volume (est. gal.)/reason</u> | <u>WWTP oxid. ditch rotor shutdown events/reason</u> |
|-------------|---|--|
| 4/11/01     | Leitnaker Rd. 100,000                     | wet weather  |
| 12/20-22/02 |   | X wet weather  |
| 2/22-25/03  |   | X wet weather  |
| 7/16/03     |   | X wet weather  |
| 1/4-5/04    |   | X wet weather  |
| 6/12/04     | Leitnaker Rd. 10,000                      | force main air-lock                                  |
| 7/31/04     | Leitnaker Rd. 16,146                      | wet weather/faulty equip.                            |
|             | Thurston 10,000                           | wet weather/faulty equip.                            |
| 12/23-25/04 | Leitnaker Rd. 220,000                     | wet weather/power failure                            |
| 1/4-5/05    | Leitnaker Rd. 125,000                     | wet weather/power failure                            |
| 1/11-13/05  | Leitnaker Rd. 209,000                     | wet weather/power failure                            |
| 3/28-29/05  | Leitnaker Rd. 20-30,000                   | wet weather X wet weather                            |
| 4/2/05      | Leitnaker Rd. 2,500                       | wet weather  |
| 4/2-3/05    |   | X wet weather  |
| 11/16/05    | Leitnaker Rd.                             | wet weather  |
| 3/10/06     | Leitnaker Rd.                             | electrical power loss                                |
| 3/12-14/06  | Leitnaker Rd. 180,000                     | wet weather  |
| 3/15/06     | Leitnaker Rd.                             | wet weather  |
| 1/13-16/07  | Leitnaker Rd. 200,000                     | wet weather  |
| 1/14/07     | St.Rt. 256 100,000                        | force main release valve failure                     |
| 2/14-15/07  | Leitnaker Rd. 70,000                      | power failure  |
| 3/15-16/07  | Leitnaker Rd. 100,000                     | wet weather  |

**Attachment II  
Walnut Creek Sewer District  
Effluent Limitation Violations**

| Permit No   | Reporting Period | Station | Reporting Code | Parameter               | Limit Type | Limit | Reported Value | Violation Date |
|-------------|------------------|---------|----------------|-------------------------|------------|-------|----------------|----------------|
| 4PA00005*ED | March 2003       | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 45.            | 3/8/2003       |
| 4PA00005*ED | March 2003       | 001     | 00530          | Total Suspended Solids  | 30D Qty    | 14    | 14.6015        | 3/1/2003       |
| 4PA00005*ED | March 2003       | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 38.            | 3/22/2003      |
| 4PA00005*ED | March 2003       | 001     | 00530          | Total Suspended Solids  | 7D Qty     | 21    | 21.9208        | 3/22/2003      |
| 4PA00005*ED | March 2003       | 001     | 00530          | Total Suspended Solids  | 30D Conc   | 20    | 33.1428        | 3/1/2003       |
| 4PA00005*ED | April 2001       | Stat    | 00300          | Dissolved Oxygen        | 1 D Conc   | 5     | 4.17           | 4/10/2001      |
| 4PA00005*ED | April 2001       | Stat    | 00300          | Dissolved Oxygen        | 1 D Conc   | 5     | 3.42           | 4/11/2001      |
| 4PA00005*ED | April 2001       | Stat    | 00530          | Total Suspended Solids  | 7 D Qty    | 21    | 31.07          | 4/8/2001       |
| 4PA00005*ED | October 2002     | Stat    | 00530          | Total Suspended Solids  | 7 D Qty    | 21    | 30.5071        | 10/1/2002      |
| 4PA00005*ED | December 2002    | Stat    | 00530          | Total Suspended Solids  | 7 D Conc   | 30    | 35             | 12/22/2002     |
| 4PA00005*ED | January 2003     | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 59.5           | 1/22/2003      |
| 4PA00005*ED | January 2003     | 001     | 00530          | Total Suspended Solids  | 30D Conc   | 20    | 22.1           | 1/1/2003       |
| 4PA00005*ED | January 2003     | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 34.            | 2/8/2003       |
| 4PA00005*ED | February 2003    | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 31.            | 7/1/2003       |
| 4PA00005*FD | July 2003        | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 16.4888        | 3/1/2004       |
| 4PA00005*FD | March 2004       | 001     | 80082          | CBOD 5 day              | 30D Conc   | 16    | 27.9           | 7/1/2004       |
| 4PA00005*FD | July 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 11.0881        | 7/1/2004       |
| 4PA00005*FD | July 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 23.55          | 7/1/2004       |
| 4PA00005*FD | July 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 19.2           | 7/15/2004      |
| 4PA00005*FD | July 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 9.97707        | 7/1/2004       |
| 4PA00005*FD | July 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | 8.86598        | 7/15/2004      |
| 4PA00005*FD | July 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 5083.          | 7/1/2004       |
| 4PA00005*FD | July 2004        | 001     | 31616          | Fecal Coliform          | 7D Conc    | 2000  | 2315.          | 7/8/2004       |
| 4PA00005*FD | July 2004        | 001     | 31616          | Fecal Coliform          | 7D Conc    | 2000  | 4700.          | 7/22/2004      |
| 4PA00005*FD | July 2004        | 001     | 31616          | Fecal Coliform          | 7D Conc    | 2000  |                |                |

**Attachment II  
Walnut Creek Sewer District  
Effluent Limitation Violations**

| Permit No.  | Reporting Period | Station | Reporting Code | Parameter               | Limit Type | Limit | Reported Value | Violation Date |
|-------------|------------------|---------|----------------|-------------------------|------------|-------|----------------|----------------|
| 4PA00005*FD | June 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 18.6           | 6/8/2004       |
| 4PA00005*FD | June 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 8.02571        | 6/8/2004       |
| 4PA00005*FD | June 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 20.7           | 6/1/2004       |
| 4PA00005*FD | June 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 22.8           | 6/22/2004      |
| 4PA00005*FD | June 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | 9.92427        | 6/1/2004       |
| 4PA00005*FD | June 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 11.8228        | 6/22/2004      |
| 4PA00005*FD | June 2004        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 1.55           | 5/8/2004       |
| 4PA00005*FD | May 2004         | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 2.27767        | 5/1/2004       |
| 4PA00005*FD | May 2004         | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 4.29           | 5/22/2004      |
| 4PA00005*FD | May 2004         | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | 1.30699        | 5/1/2004       |
| 4PA00005*FD | May 2004         | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 2.58179        | 5/22/2004      |
| 4PA00005*FD | May 2004         | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 7.2            | 8/1/2004       |
| 4PA00005*FD | August 2004      | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 4.41482        | 8/1/2004       |
| 4PA00005*FD | August 2004      | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 11.2           | 8/1/2004       |
| 4PA00005*FD | August 2004      | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 15.2           | 8/15/2004      |
| 4PA00005*FD | August 2004      | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | 5.40044        | 8/1/2004       |
| 4PA00005*FD | August 2004      | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 6.38605        | 8/15/2004      |
| 4PA00005*FD | August 2004      | 001     | 00610          | Fecal Coliform          | 7D Conc    | 2000  | 3533.          | 8/1/2004       |
| 4PA00005*FD | October 2004     | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 2.             | 10/1/2004      |
| 4PA00005*FD | October 2004     | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 2.15           | 10/1/2004      |
| 4PA00005*FD | October 2004     | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 2.3            | 10/15/2004     |
| 4PA00005*FD | October 2004     | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | -0.7  | 1.20704        | 10/1/2004      |
| 4PA00005*FD | October 2004     | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 1.61922        | 10/15/2004     |

**Attachment II**  
**Walnut Creek Sewer District**  
**Effluent Limitation Violations**

| Permit No.  | Reporting Period | Station | Reporting Code | Parameter               | Limit Type | Limit | Reported Value | Violation Date |
|-------------|------------------|---------|----------------|-------------------------|------------|-------|----------------|----------------|
| 4PA00005*FD | September 2004   | 001     | 00300          | Dissolved Oxygen        | 1D Conc    | 5.0   | 3.6            | 9/13/2004      |
| 4PA00005*FD | September 2004   | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 52.            | 9/8/2004       |
| 4PA00005*FD | September 2004   | 001     | 00530          | Total Suspended Solids  | 7D Qty     | 21    | 36.4268        | 9/8/2004       |
| 4PA00005*FD | September 2004   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 13.4           | 9/8/2004       |
| 4PA00005*FD | September 2004   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 9.02798        | 9/8/2004       |
| 4PA00005*FD | September 2004   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 7.75           | 9/1/2004       |
| 4PA00005*FD | September 2004   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 2.1            | 9/22/2004      |
| 4PA00005*FD | September 2004   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | 5.06244        | 9/1/2004       |
| 4PA00005*FD | September 2004   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 1.09689        | 9/22/2004      |
| 4PA00005*FD | September 2004   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 24    | 27.2           | 9/8/2004       |
| 4PA00005*FD | September 2004   | 001     | 80082          | CBOD 5 day              | 7D Qty     | 16    | 20.9545        | 9/8/2004       |
| 4PA00005*FD | September 2004   | 001     | 80082          | CBOD 5 day              | 7D Conc    | 30    | 48.5           | 1/8/2005       |
| 4PA00005*FD | January 2005     | 001     | 00530          | Total Suspended Solids  | 7D Qty     | 21    | 67.7533        | 1/8/2005       |
| 4PA00005*FD | January 2005     | 001     | 00530          | Total Suspended Solids  | 30D Qty    | 14    | 22.5094        | 1/1/2005       |
| 4PA00005*FD | January 2005     | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 33.5           | 11/22/2004     |
| 4PA00005*FD | November 2004    | 001     | 00530          | Total Suspended Solids  | 7D Qty     | 21    | 24.2467        | 11/22/2004     |
| 4PA00005*FD | November 2004    | 001     | 00300          | Dissolved Oxygen        | 1D Conc    | 5.0   | 2.56           | 3/28/2005      |
| 4PA00005*FD | March 2005       | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 30    | 366.           | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 00530          | Total Suspended Solids  | 7D Qty     | 21    | 192.859        | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 00530          | Total Suspended Solids  | 30D Conc   | 20    | 85.7777        | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 00530          | Total Suspended Solids  | 30D Qty    | 14    | 46.0922        | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 80082          | CBOD 5 day              | 7D Conc    | 24    | 190.           | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 80082          | CBOD 5 day              | 7D Qty     | 16    | 99.6844        | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 80082          | CBOD 5 day              | 30D Conc   | 16    | 51.25          | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 80082          | CBOD 5 day              | 30D Qty    | 11    | 27.6244        | 2/1/2005       |
| 4PA00005*FD | February 2005    | 001     | 00556          | Oil and Grease, Freon   | 1D Conc    | 10    | 10.99          | 6/23/2005      |
| 4PA00005*FD | June 2005        | 001     |                |                         |            |       |                |                |

**Attachment II  
Walnut Creek Sewer District  
Effluent Limitation Violations**

| Permit No   | Reporting Period | Station | Reporting Code | Parameter               | Limit Type | Limit | Reported Value | Violation Date |
|-------------|------------------|---------|----------------|-------------------------|------------|-------|----------------|----------------|
| 4PA00005*FD | August 2005      | 001     | 00530          | Total Suspended Solids  | 30D Qty    | 14    | 16.2012        | 8/1/2005       |
| 4PA00005*FD | September 2005   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 4.37           | 9/15/2005      |
| 4PA00005*FD | September 2005   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 1.6987         | 9/15/2005      |
| 4PA00005*FD | September 2005   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 1.62933        | 9/1/2005       |

## Walnut Creek Sewer District Effluent Limitations Violations 9/1/05 - 11/30/07

| Permit No   | Reporting Period | Station | Reporting Code | Parameter               | Limit Type | Limit | Reported Value | Violation Date |
|-------------|------------------|---------|----------------|-------------------------|------------|-------|----------------|----------------|
| 4PA00005*FD | September 2005   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 1.62933        | 9/1/2005       |
| 4PA00005*FD | September 2005   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 4.37           | 9/15/2005      |
| 4PA00005*FD | September 2005   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 1.6987         | 9/15/2005      |
| 4PA00005*FD | January 2007     | 001     | 00300          | Dissolved Oxygen        | 1D Conc    | 5.0   | 3.99           | 1/15/2007      |
| 4PA00005*FD | January 2007     | 001     | 00300          | Dissolved Oxygen        | 1D Conc    | 5.0   | 4.7            | 1/16/2007      |
| 4PA00005*FD | June 2006        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 4.07167        | 6/1/2006       |
| 4PA00005*FD | June 2006        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 11.7           | 6/22/2006      |
| 4PA00005*FD | June 2006        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | 2.00094        | 6/1/2006       |
| 4PA00005*FD | June 2006        | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 5.76584        | 6/22/2006      |
| 4PA00005*FD | June 2006        | 001     | 00300          | Dissolved Oxygen        | 1D Conc    | 5.0   | 4.95           | 6/20/2006      |
| 4PA00005*FD | June 2006        | 001     | 00300          | Dissolved Oxygen        | 1D Conc    | 5.0   | 4.86           | 6/21/2006      |
| 4PA00005*FD | June 2006        | 001     | 00300          | Total Suspended Solids  | 7D Conc    | 30    | 45.5           | 3/1/2007       |
| 4PA00005*FD | March 2007       | 001     | 00530          | Total Suspended Solids  | 30D Qty    | 14    | 17.7468        | 3/1/2007       |
| 4PA00005*FD | March 2007       | 001     | 00530          | Total Suspended Solids  | 7D Qty     | 21    | 55.2331        | 3/1/2007       |
| 4PA00005*FD | March 2007       | 001     | 00530          | Total Suspended Solids  | 30D Qty    | 14    | 15.1754        | 9/1/2006       |
| 4PA00005*FD | September 2006   | 001     | 00530          | Total Suspended Solids  | 7D Qty     | 21    | 38.0858        | 9/8/2006       |
| 4PA00005*FD | September 2006   | 001     | 00530          | Total Suspended Solids  | 7D Conc    | 2000  | 7750.          | 9/8/2006       |
| 4PA00005*FD | September 2006   | 001     | 31616          | Fecal Coliform          | 7D Qty     | 16    | 17.5923        | 9/8/2006       |
| 4PA00005*FD | September 2006   | 001     | 80082          | CBOD 5 day              | 30D Conc   | 1.0   | 10.29          | 9/1/2007       |
| 4PA00005*FD | September 2007   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 5.58           | 9/8/2007       |
| 4PA00005*FD | September 2007   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Conc    | 1.5   | 15.            | 9/22/2007      |
| 4PA00005*FD | September 2007   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | 5.06217        | 9/1/2007       |
| 4PA00005*FD | September 2007   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 2.47108        | 9/8/2007       |
| 4PA00005*FD | September 2007   | 001     | 00610          | Nitrogen, Ammonia (NH3) | 7D Qty     | 1.0   | 7.65327        | 9/22/2007      |
| 4PA00005*FD | August 2007      | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Conc   | 1.0   | 1.76367        | 8/1/2007       |
| 4PA00005*FD | August 2007      | 001     | 00610          | Nitrogen, Ammonia (NH3) | 30D Qty    | 0.7   | .79246         | 8/1/2007       |

