

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

In the Matter of:

**OWENS-BROCKWAY GLASS  
CONTAINER INC.  
2901 FRUITLAND AVENUE, VERNON, CA  
WDID 4B192085002, CI 6079  
NPDES NO. CA0056464**

**ORDER R4-2023-0153**

**SETTLEMENT AGREEMENT AND  
STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY  
ORDER**

**I. Introduction**

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board), on behalf of the Los Angeles Water Board Prosecution Team (Prosecution Team), and Owens-Brockway Glass Container Inc. (Discharger) (collectively the Parties) and is presented to the Los Angeles Water Board, or its delegee, for adoption as an order by settlement, pursuant to California Water Code section 13323 and Government Code section 11415.60. This Stipulated Order resolves the violations alleged herein by the imposition of administrative civil liability against the Discharger in the amount of \$674,306.

**II. Site Background and Enforcement History**

2. The Discharger's facility located at 2901 Fruitland Avenue, Vernon, CA (Facility) has been regulated under a National Pollutant Discharge Elimination System (NPDES) Permit (NPDES CA0056464) beginning April 26, 1982 to present for its discharge of storm water into the Los Angeles River, a water of the State and United States. The Discharger is currently regulated under Order No. R4-2016-0122. On June 2, 2016, the Los Angeles Water Board issued Time Schedule Order (TSO) No. R4-2016-0221 to the Discharger to provide interim effluent limits at Discharge Point 001 for antimony, chromium VI, pentachlorophenol, PCBs, arsenic, cadmium, copper, lead, mercury, selenium, thallium, zinc, bis (2-ethylhexyl) phthalate, and TCDD equivalents; the TSO also included interim effluent limits at Discharge Point 002 for copper, lead, selenium, bis (2-ethylhexyl) phthalate, zinc, and TCDD equivalents. The TSO was initially scheduled to expire on June 2, 2019.
3. On January 14, 2019, the Los Angeles Water Board issued TSO No. R4-2016-0221-A01, which amended TSO No. R4-2016-0221 to include a new compliance schedule for removal of certain existing exposed furnace air pollution control equipment and to modify the TSO expiration date to June 30, 2019.
4. The Discharger is the owner and operator of the Facility. The Facility manufactures glass containers from raw materials and recycled glass (referred to as "cullet"),

primarily for the food and beverage industry. The Facility discharges all its process wastewater to the sanitary sewer. Stormwater discharge from the central yard, production areas, and the main yard to the storm drain is regulated by Order No. R4-2016-0122. Discharge Point 001 has a permitted maximum discharge flow of 0.163 million gallons per day (MGD) and Discharge Point 002 has a permitted maximum discharge flow of 0.680 MGD. The discharge through Discharge Point 001 consists of stormwater runoff from the central yard which includes areas such as the cooling tower, furnace building, and various administrative/maintenance buildings. The discharge through Discharge Point 002 consists of stormwater runoff from the main yard which includes areas such as the batch house, the oxygen plant, and storage/equipment maintenance buildings.

5. In December 2019, the Discharger submitted an Industrial Waste Discharge Permit (IWDP) revision application to the Los Angeles County Sanitation Districts (LACSD) and the City of Vernon, requesting authorization to discharge stormwater collected in onsite tanks under its existing IWDP No. 1029. The Facility recently installed more stormwater storage to retain and divert rainfall that would otherwise be discharged into Discharge Point 001, to the sanitary sewer.
6. The land on which Discharge Point 002 is located has been sold. The Discharger is in the process of relocating Discharge Point 002 onto its property. The Discharger provided a schedule with an estimated completion date of fourth quarter 2024. As a temporary measure, until the project is complete, the Discharger is utilizing pumps to divert stormwater from Discharge Point 002 to onsite tanks.
7. Discharge Points 001 and 002 discharge to the Los Angeles River. The *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) designates Ground Water Recharge (GWR) and Warm Freshwater Habitat (WARM) as existing beneficial uses for the Los Angeles River; however, some potential beneficial uses include Municipal and Domestic Supply (MUN), Industrial Service Supply (IND), and Wildlife Habitat (WILD).

### **III. Alleged Violations**

8. The following allegations against the Discharger are the basis for assessing administrative civil liability pursuant to Water Code section 13385. Given previous enforcement actions, the Assistant Executive Officer elected to pursue discretionary enforcement.
9. Pursuant to Water Code section 13385(a)(2) and (c), a person that violates an NPDES permit requirement is subject to administrative civil liability in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs, as well as a per gallon assessment when unpermitted discharges occur as a result of the alleged violation.

10. Pursuant to Water Code section 13385(e), in determining the amount of civil liability, the Los Angeles Water Board shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on the ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
11. The *State Water Board's Water Quality Enforcement Policy* (Enforcement Policy) was adopted on April 4, 2017. The Enforcement Policy's effective date is October 5, 2017. The use of the Enforcement Policy's penalty methodology addresses the factors required to be considered when imposing administrative civil liability. The details of these violations, including the factors required to be considered by Water Code section 13385(e), are set forth in full in the accompanying Attachment A, which is incorporated herein by reference as if set forth in full.
12. To resolve the alleged violations in Attachment A, by consent and without further administrative proceedings, the Parties agree to the imposition of an administrative civil liability of **six hundred seventy-four thousand three hundred and six dollars (\$674,306)** against the Discharger as described in this Stipulated Order. The settlement amount reflects certain modifications of Enforcement Policy factors reached during settlement and not necessarily those that would be alleged if an administrative civil liability complaint were to be issued, but has been agreed upon by the Prosecution Team and the Discharger.
13. The Parties have engaged in settlement negotiations and have agreed to settle this matter without administrative or civil litigation, and to present this Stipulated Order to the Los Angeles Water Board or its delegate for adoption as an order by settlement pursuant to Water Code section 13385 and Government Code section 11415.60.
14. Based on the information in the record, the Prosecution Team has determined that the above resolution of the alleged violations is fair and reasonable, and fulfills the enforcement objectives of Water Code sections 13000 et seq., and the Water Quality Enforcement Policy, and satisfies the objectives and requirements of the federal Clean Water Act as implemented by the foregoing, and that no further action is warranted concerning the alleged violations except as provided in this Stipulated Order, and that this Stipulated Order is in the best interest of the public.

#### IV. Stipulations

The Parties stipulate to the following:

15. **Jurisdiction:** The Parties agree that the Los Angeles Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.

16. **Administrative Civil Liability:** The Discharger hereby agrees to the imposition of an Administrative Civil Liability (ACL) in the amount of **six hundred seventy-four thousand three hundred and six dollars (\$674,306)** to resolve the violations alleged in Attachment A to this Order.

- a. The Discharger agrees to pay **six hundred seventy-four thousand three hundred and six dollars (\$674,306)** to the *State Water Board's Cleanup and Abatement Account* and shall indicate this Order number on the check. The check shall be submitted within 30 days of adoption of this Order by signature of the Executive Officer. The Dischargers shall send the original check referencing this Order number to the following address:

Division of Administrative Services  
ATTN: Accounting, State Water Resources Control Board  
1001 I Street 18<sup>th</sup> Floor  
Sacramento, California 95814

The Discharger shall provide a copy of the check via email to the State Water Board, Office of Enforcement [Julie.macedo@waterboards.ca.gov](mailto:Julie.macedo@waterboards.ca.gov) and the Los Angeles Water Board [lala.kabadaian@waterboards.ca.gov](mailto:lala.kabadaian@waterboards.ca.gov).

17. **Compliance with Applicable Laws and Regulatory Changes:** The Discharger understands that payment of an administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that additional violations of the type alleged may subject it to further enforcement, including additional administrative civil liabilities. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

18. **Covered Matters:** Upon approval by the Discharger, and adoption by the Los Angeles Water Board, or its delegee, this Stipulated Order represents a final and binding resolution and settlement of all claims, violations, or causes of action alleged or that could have been alleged in relation to the conduct and facts described in Attachment A. The provisions of this paragraph are expressly conditioned on Discharger satisfying the payment obligation set forth above.

19. **Party Contacts for Communications Related to Stipulated Order:**

For the Los Angeles Water Board:  
Lala Kabadaian, Water Resource Control Engineer  
[Lala.kabadaian@waterboards.ca.gov](mailto:Lala.kabadaian@waterboards.ca.gov)  
(213) 620-6370

Counsel:  
Julie Macedo, Attorney V

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[Julie.macedo@waterboards.ca.gov](mailto:Julie.macedo@waterboards.ca.gov)  
(916) 323-6847

For the Discharger:  
Gary M. Jarrett  
[Gary.Jarrett@o-i.com](mailto:Gary.Jarrett@o-i.com)  
(567) 336-5474

Counsel:  
Shawn Cobb  
[scobb@allenmatkins.com](mailto:scobb@allenmatkins.com)  
(619) 235-1550

John Cayton  
[John.Cayton@o-i.com](mailto:John.Cayton@o-i.com)  
(567) 336-2070

20. **Attorneys' Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
21. **Public Notice:** The Discharger understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Los Angeles Water Board, or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Los Angeles Water Board, or its delegee, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Los Angeles Water Board or its delegee. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
22. **Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
23. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Los Angeles Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or Los Angeles Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Los Angeles Water Board reserves all rights to take

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additional enforcement actions, including without limitation, the issuance of administrative civil liability complaints or orders for violations other than those addressed by this Order.

24. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended, nor shall it be construed, to preclude the Los Angeles Water Board or any state agency, department, board, or entity or any local agency from exercising its authority under any law, statute, or regulation.
25. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.
26. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Order. All modifications must be made in writing and approved by Los Angeles Water Board or its delegee.
27. **Integration:** This Stipulated Order constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.
28. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Los Angeles Water Board, or its delegee, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Los Angeles Water Board to determine whether to assess an administrative civil liability for the underlying alleged violations, or may continue to pursue settlement. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:
  - a. Objections related to prejudice or bias of any of the Los Angeles Water Board members or their advisors and any other objections to the extent that they are premised on the fact that the Los Angeles Water Board members or their advisors were exposed to this Stipulated Order, Attachment A to this Stipulated Order, and/or any other public documents expressly incorporated in to this Stipulated Order or Attachment A to this Stipulated Order, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter; or

- b. Laches or delay or other equitable defenses based on the time period that the Order or decision by settlement may be subject to administrative or judicial review.
29. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Los Angeles Water Board with respect to the adoption of this Stipulated Order.
30. **Waiver of Right to Petition:** The Discharger hereby waives the right to petition the Los Angeles Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives the right, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
31. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, the Discharger shall and does release, discharge, and covenant not to sue or pursue any civil or administrative claims against any State Agency or the State of California, its officers, agents, directors, employees, attorneys, representatives, for any and all claims or causes of action, which arise out of or are related to this action.
32. **Water Boards Not Liable:** Neither the Los Angeles Water Board members, nor the Los Angeles Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from the negligent or intentional acts or omissions by the Discharger or its respective directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order, nor shall the Los Angeles Water Board, its members, staff, attorneys, or representatives be held as parties to or guarantors of any contract entered into by the Discharger, or its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order.
33. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
34. **Necessity for Written Approvals:** All approvals and decisions of the Los Angeles Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Los Angeles Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
35. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
36. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.

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37. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Los Angeles Water Board, or its delegee, enters the Order.
38. **Counterpart Signatures:** This Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.



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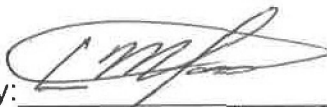
**IT IS SO STIPULATED.**

California Regional Water Quality Control Board Prosecution Team  
Los Angeles Region

By: **Hugh Marley** Digitally signed by Hugh Marley  
Date: 2023.10.27 10:05:46 -07'00'  
\_\_\_\_\_  
Hugh Marley  
Assistant Executive Officer

10/27/2023  
\_\_\_\_\_  
Date

Owens-Brockway Glass Container Inc.

By:   
\_\_\_\_\_  
Name Timothy Comars  
Title Managing Director O-F Americas North

10/26/23  
\_\_\_\_\_  
Date

**HAVING CONSIDERED THE PARTIES' STIPULATIONS, THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD FINDS THAT:**

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.
2. This is an action to enforce the laws and regulations administered by the Los Angeles Water Board. The Los Angeles Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
3. The Executive Officer of the Los Angeles Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Order.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Los Angeles Region.

\_\_\_\_\_  
Susana Arredondo  
Executive Officer  
Los Angeles Regional Water Quality Control Board

\_\_\_\_\_  
Date

Attachment A: Penalty Calculation Methodology

**ATTACHMENT A**  
**ADMINISTRATIVE CIVIL LIABILITY**  
**COMPLAINT NO. R4-2023-0153**  
**for**  
**OWENS-BROCKWAY GLASS CONTAINER INC.**  
**2901 FRUITLAND AVENUE, VERNON, CA**  
**WDID 4B192085002**  
**CI 6079**  
**NPDES NO. CA0056464**

**Noncompliance with**  
**Waste Discharge Requirements (WDRs)**  
**and**  
**National Pollutant Discharge Elimination System (NPDES) Permit**  
**Order R4-2016-0122**  
**For Violation Period December 1, 2020 through March 31, 2022**

**INTRODUCTION**

This Attachment A is prepared pursuant to the State Water Resources Control Board's (State Water Board's) Enforcement Policy, designed to consider California Water Code (Water Code) section 13385(e) factors. The liability calculation methodology enables the Regional Water Boards to fairly and consistently implement liability provisions of the Water Code for maximum enforcement impact to address, correct, and deter water quality violations.

This attachment summarizes the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) Prosecution Team's selection of factors to determine the recommended assessment of civil liability pursuant to the Water Code. The assessments are subject to modification during the settlement process, and by the Los Angeles Regional Water Quality Control Board (Regional Water Board) if this matter proceeds to a hearing.

Owens-Brockway Glass Container Inc. (Discharger)'s facility located at 2901 Fruitland Avenue, Vernon, CA (Facility) has been regulated under a National Pollutant Discharge Elimination System (NPDES) Permit (NPDES CA0056464) beginning April 26, 1982 to present for its discharge of storm water into the Los Angeles River, a water of the State and United States. The Discharger is currently regulated under Order No. R4-2016-0122. On June 2, 2016, the Los Angeles Water Board issued Time Schedule Order (TSO) No. R4-2016-0221 to the Discharger to provide interim effluent limits at Discharge Point 001 for antimony, chromium VI, pentachlorophenol, PCBs, arsenic, cadmium, copper, lead, mercury, selenium, thallium, zinc, bis (2-ethylhexyl) phthalate, and TCDD equivalents; the TSO also included interim effluent limits at Discharge Point 002 for copper, lead, selenium, bis (2-ethylhexyl) phthalate, zinc, and TCDD equivalents. The TSO expired on June 1, 2019.

On January 14, 2019, the Los Angeles Water Board issued TSO No. R4-2016-0221-A01, which amended TSO No. R4-2016-0221 to include a new compliance schedule for removal of the existing exposed furnace air pollution control equipment and to modify the TSO expiration date to June 30, 2019.

As described in the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order, certain stormwater discharges from the Facility have exceeded effluent limitations and past issuances of mandatory minimum penalties did not compel the Discharger to eliminate its effluent exceedances at the Facility. As represented in confidential settlement documents, a number of planned Facility improvements are underway, and expected to significantly reduce (and possibly eliminate) discharges. A no discharge system would prevent all effluent violations and be protective of water quality. As of the drafting of this settlement agreement, the Facility must relocate existing Discharge Point 002 prior to issuance of a new permit. Discharge Points 001 and 002 discharge to the Los Angeles River. The *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) designates Ground Water Recharge (GWR) and Warm Freshwater Habitat (WARM) as existing beneficial uses for the Los Angeles River.); however, some potential beneficial uses include Municipal and Domestic Supply (MUN), Industrial Service Supply (IND), and Wildlife Habitat (WILD).

### **ALLEGED VIOLATIONS**

The following allegations against the Discharger are the basis for assessing administrative civil liability pursuant to Water Code section 13385.

The Enforcement Policy establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors required by California Water Code section 13385, subdivision (e). Each factor and its corresponding category, adjustment, and amount for the alleged violation is presented below. The Enforcement Policy should be used as a companion document in conjunction with this administrative civil liability assessment since the penalty methodology and definition of terms are not replicated herein. The Enforcement Policy is available online at:

[http://https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2017/040417\\_9\\_final%20adopted%20policy.pdf](http://https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf)

#### **Violation: Unauthorized Discharge in Violation of WDRs and NPDES Permit. (8 Days, 163,461 gallons)**

The Discharger discharged pollutants to waters of the State and United States<sup>1</sup> in violation of its WDRs and NPDES permit on eight distinct days during the violation period from December 2020 through March 2022. On those days, the discharges were monitored and reported as follows:

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<sup>1</sup> Discharges from the Facility enter a MS4 storm drain and are transported to the Los Angeles River, a water of the United States even as that definition has been narrowed pursuant to *Sackett v. EPA*, 21-454 (May 25, 2023). Discharger disputes this characterization.

Attachment A  
Owens-Brockway Glass Container Inc.

<b>Violation Date</b>	<b>Discharge Point</b>	<b>Discharge Flow (gallons)</b>
12/28/20	001	12,582
01/29/21	001	2,828
01/29/21	002	17,800
03/03/21	001	1,129
03/15/21	001	2,955
10/25/21	001	5,308
10/25/21	002	14,900
12/14/21	001	17,213
12/14/21	002	62,100
12/27/21	001	1,857
12/27/21	002	13,400
03/28/22	001	11,389

**TOTAL FLOW                      163,461**

This violation represents multiple instances of discharge violations on 8 distinct days during the violation period and includes a consideration of the volume discharged. A table listing all the Facility’s effluent limit violations during the violation period is also included herein as Attachment A, but is relevant to this analysis only as a reference to the minimum penalty amount, as the Los Angeles Water Board Assistant Executive Officer and Prosecution Team have elected to pursue discretionary enforcement for the effluent limit violations pursuant to Water Code section 13385. The Los Angeles Water Board has assessed MMPs for effluent limit violations from 2008 until 2020 and has adopted a Time Schedule Order which was later amended in order to bring the Facility back into compliance. Given the permit renewal expected in 2023 and the Discharger’s continual failure to implement corrective measures despite repeated MMPs, the Los Angeles Water Board is electing to proceed with discretionary penalties beyond the minimum required by law.

## LIABILITY CALCULATIONS

### Determination of Administrative Civil Liability

An administrative civil liability may be imposed pursuant to the procedures in Water Code section 13323.

Pursuant to the relevant portions of Water Code section 13385(a):

*A person who violates any of the following shall be liable civilly in accordance with this section:*

- (1) Section 13375 or 13376.*
- (2) A waste discharge requirement or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160.*
- (3) A requirement established pursuant to section 13383.*
- (4) An order or prohibition issued pursuant to Section 13243 or Article 1 (commencing with Section 13300) of Chapter 5, if the activity subject to the order or prohibition is subject to regulation of this chapter.*
- (5) A requirement of Section 301, 302, 306, 307, 308, 318, 401, or 405 of the federal Clean Water Act (33 U.S.C. Sec. 1311, 1312, 1316, 1317, 1318, 1341, or 1345), as amended.*

Furthermore, Water Code section 13385 (c) provides that:

*Civil liability may be imposed administratively by the state board or a Regional Water Board pursuant to Article 2.5 (commencing with section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:*

- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.*
- (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.*

Water Code section 13385(e) requires the consideration of several factors when determining the amount of civil liability to impose. These factors include:

*...the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its*

*business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.*

## **Application of Enforcement Policy Factors for Discharge Violation**

### **STEP 1 – Actual or Potential for Harm for Discharge Violations**

The Actual or Potential for Harm is determined by using a three-factor scoring system to quantify: (1) the degree of toxicity of the discharge; (2) the actual harm or potential harm to beneficial uses; and (3) the discharge's susceptibility to cleanup or abatement. The determination of these three factors and the final score are discussed below.

#### ***Factor 1: The Degree of Toxicity of the Discharge***

A score between 0 and 4 is assigned based on a determination of whether the discharged material poses a negligible (0), minor (1), moderate (2), above moderate (3), or major (4) risk or threat to potential receptors. "Potential receptors" are those identified considering human, environmental and ecosystem health exposure pathways.

The Prosecution Team assigned a score of **3** for all days of violation except for the discharge that occurred on January 29, 2021. The Enforcement Policy defines a score of **3** as "*[d]ischarged material poses an above-moderate risk or a direct threat to potential receptors (i.e. the chemical and/or physical characteristics of the discharged material exceed known risk factors or there is a substantial threat to potential receptors.)*" The discharged material poses an above-moderate risk, as evidenced by the serious and repeated effluent limit violations. Discharges of solids, metals, and bacteria can physically, chemically, and biologically cause harmful effects to beneficial uses of the receiving water because solids in receiving waters can reduce the sunlight for aquatic plants, clog fish gills, smother aquatic habitat and breeding areas, and transport industry related pollutants such as metals, which pose potential toxic environmental health impacts. Additionally, discharges can carry environmental pollutants such as TCDD and pentachlorophenol, both of which are also toxic to aquatic life and human health. The Discharger has also repeatedly exceeded its chronic toxicity effluent limit for both Discharge Points 001 and 002.

The Prosecution Team assigned a score of 2 for the discharge that occurred on January 29, 2021. The Enforcement Policy defines a score of **2** as "*[d]ischarged material poses a moderate risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material have some level of toxicity or pose a moderate level of threat to potential receptors)*". A score of 2 is appropriate as the chronic toxicity result for the discharge at Outfall 002 on that

day was reported as a “Pass” based on the quarterly self-monitoring report submitted by the Discharger.

**Factor 2: Actual Harm or Potential Harm to Beneficial Uses**

A score between 0 and 5 is assigned in accordance with the statutory factors of the nature, circumstances, extent, and gravity of the violation, based on a determination of whether the harm or potential for harm is negligible (0), minor (1), below moderate (2), moderate (3), above moderate (4), or major (5).

The Prosecution Team assigned a score of **2**. The Enforcement Policy defines a score of 2 as a discharge with “*less than moderate harm or potential harm to beneficial uses.*” As such, a score of 2 could result in “*harm or potential harm to beneficial uses [that are] measurable in the short term, but not appreciable.*” A score of 2 was selected because the impacts are below moderate in that the discharges are occurring during wet weather and the flow is likely not significant. This factor is also appropriate because, although the receiving water is repeatedly subject to disruption by solids, metals, TCDD, and bacteria, flows during wet weather tend to dilute the discharge. Deposition of solids can clog rivers and can adversely affect invertebrate life and fish egg survival. Additionally, toxic pollutants, such as metals and TCDD, have the potential to bioaccumulate in aquatic life, which poses both a risk to aquatic life and human health.

**Factor 3: Susceptibility to Cleanup and Abatement**

A score of 0 is assigned if the discharger cleans up 50 percent or more of the discharge within a reasonable amount of time. A score of 1 is assigned if less than 50 percent of the discharge is susceptible to cleanup or abatement, or if 50 percent or more of the discharge is susceptible to cleanup or abatement, but the discharger failed to clean up 50 percent or more of the discharge within a reasonable time. Natural attenuation of discharged pollutants in the environment is not considered cleanup or abatement for purposes of evaluating this factor.

The Prosecution Team assigned a score of **1**. A score of **1** was selected because the stormwater and the pollutants discharged from the Facility were not cleaned up during the violation period. Also, the discharges were not susceptible to cleanup because the stormwater and sediment are discharged into the receiving water and be combined and carried downstream with existing wet weather flows. Therefore, less than 50 percent of the unauthorized discharges of sediment and sediment-laden runoff to the Los Angeles River was susceptible to cleanup or abatement.

**FINAL SCORE – “Potential for Harm”**

The Potential for Harm for Discharge Violations is the sum of Factors 1, 2, and 3. Based on the determinations above, the final Potential for Harm score is **6** (3 + 2 + 1) for all days of violation except for the discharge that occurred on January 29, 2021. The Potential for Harm for Discharge Violation for the discharge that occurred on January 29, 2021 is **5** (2 + 2 + 1).

**STEP 2 – Assessments for Discharge Violations**



According to Water Code section 13385, a Los Angeles Water Board may impose civil liability on a per day basis, a per gallon basis, or both.

Where there is a discharge, the Water Boards shall determine an initial liability amount on a per gallon basis using the Potential for Harm score and the extent of Deviation from Requirement of the violation. These factors will be used in Table 1 of the Enforcement Policy to determine a Per Gallon Factor for the discharge.

Per day assessments for discharge violations are determined based on the final Potential for Harm score and the extent of the Deviation from Requirement, which are used in Table 2 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. \$10,000 per day).

### ***Deviation from Requirement***

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement “remains generally intact” (Minor), “has been partially compromised” (Moderate), or “rendered ineffective” (Major). The Enforcement Policy defines a Major “Deviation from Requirement” as “[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions).”

The Deviation from Requirement is **Major** because Order No. R4-2016-0122 prohibits all discharges except for stormwater discharges specifically authorized by the permit. Major is an appropriate selection because a review of the compliance history reveals that while some minor Facility improvements may have led to fewer MMPs over the years, the Facility failed to implement corrective actions that would effectively prevent later exceedances to bring the facility back into compliance. Major is an appropriate selection because there was a failure to prevent repeated violations, even after enforcement actions and the issuance of a TSO and its amendment. Major is also an appropriate selection because the Discharger frequently exceeded the concentration limits in their permit by percentages of hundreds or thousands over the permit limits.

### ***Per Gallon Factor***

For all days of violation except for the discharge that occurred on January 29, 2021: Using a Potential for Harm factor score of **6** (see Step 1) and Deviation from Requirement of **Major**, the Per Gallon Factor is **0.28** in Table 1 of the 2017 Enforcement Policy.

For the discharge that occurred on January 29, 2021: Using a Potential for Harm factor score of 5 (see Step 1) and Deviation from Requirement of **Major**, the Per Gallon Factor is **0.15**.

### ***Per Day Factor***

For all days of violation except for the discharge that occurred on January 29, 2021: Using a Potential for Harm factor score of **6** (see Step 1) and Deviation

from Requirement of **Major**, the Per Day Factor is **0.28** in Table 2 of the Enforcement Policy.

For the discharge that occurred on January 29, 2021: Using a Potential for Harm factor score of 5 (see Step 1) and Deviation from Requirement of **Major**, the Per Day Factor is **0.15**.

### ***Days of Discharge Violations***

Stormwater and sediment that caused effluent limit exceedances were discharged from the Facility into the Los Angeles River on 8 distinct days: December 28, 2020 (12,582 gallons from Discharge Point 001); January 29, 2021 (2,828 gallons from Discharge Point 001 and 17,800 gallons from Discharge Point 002); March 3, 2021 (1,129 gallon from Discharge Point 001); March 15, 2021 (2,955 gallons from Discharge Point 001); October 25, 2021 (5,308 gallons from Discharge Point 001 and 14,900 gallons from Discharge Point 002); December 14, 2021 (17,213 gallons from Discharge Point 001 and 62,100 gallons from Discharge Point 002); December 27, 2021 (1,857 gallons from Discharge Point 001 and 13,400 gallons from Discharge Point 002); and March 28, 2022 (11,389 gallons from Discharge Point 001). None of the discharged material was recovered.

Water Code section 13385 allows discharge violations to be penalized by day and volume. Total discharge volumes were derived using the Discharger's self-monitoring reports (SMRs). The Discharger reports total gallons per day (GPD) discharged for each day of a discharge event, whether such event occurred from both or a single Discharge Point.

### **STEP 3 – Per Day Assessment of Non-Discharge Violations**

Step 3 does not apply to Discharge Violations

### **STEP 4 – Adjustment Factors**

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's culpability, its efforts to cleanup and cooperate after the violation, and the history of violations. These three factors are discussed below.

#### ***Culpability***

Higher liabilities should result from intentional or negligent violations as opposed to accidental violations. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier for intentional or negligent behavior. A 1.2 was assigned to this Discharger for this violation because the Discharger either intentionally, negligently, or due to delay from the date of initial violations, did not implement corrective measures to prevent future violations. Despite previous settlements of MMPs in the hundreds of thousands of dollars, as well as a schedule for implementing permanent solutions, the Facility remained out of compliance.

#### ***Cleanup and Cooperation***

This factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance and correcting environmental damage. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier when there is a lack of cooperation. A neutral factor of 1 was selected because insufficient action was taken after the discharges and exceedances in order to remediate past discharges. However, the Discharger did properly and truthfully submit monitoring information about its exceedances. Other adjustment factors take into account the failure to adequately respond to modifications to the Facility and discharge locations to prevent future effluent violations.

### ***History of Violations***

Where there is a history of repeat violations, a minimum multiplier of 1.1 should be used. The Prosecution Team assigned a History of Violations multiplier of 1.3 for this violation because the Discharger has a lengthy history of similar violations.

### **STEP 5 – Determination of Total Base Liability Amount**

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

#### Gallons Discharged Assessment<sup>2</sup>

Adjusted Gallons Discharged x Per Gallon Factor x Statutory Max x Culpability Multiplier x Cleanup and Cooperation Multiplier x History of Violations Multiplier = Total Base Gallon Liability

#### December 28, 2020

$(12,582 - 1,000) \times 0.28 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \mathbf{\$50,590}$

#### January 29, 2021

$(20,628 - 1,000) \times 0.15 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \mathbf{\$45,930}$

#### March 3, 2021

$(1,129 - 1,000) \times 0.28 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \mathbf{\$563}$

#### March 15, 2021

$(2,955 - 1,000) \times 0.28 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \mathbf{\$8,539}$

#### October 25, 2021

$(20,208 - 1,000) \times 0.28 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \mathbf{\$83,901}$

#### December 14, 2021

$(79,313 - 1,000) \times 0.28 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \mathbf{\$342,071}$

#### December 27, 2021

$(15,257 - 1,000) \times 0.28 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \mathbf{\$62,275}$

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<sup>2</sup> When discharges occurred from both discharge points, a single 1,000 gallons is deducted from the volume. This accurately reflects the permit requirement and does not delete 1,000 gallons from each discharge point which would favor the discharger. If there was a discharge at both discharge points, a single day of violation is assessed.

March 28, 2022

$(11,389 - 1,000) \times 0.28 \times \$10 \times 1.2 \times 1.0 \times 1.3 = \$45,379$

Total: **\$639,248**

Days Discharged Assessment

Days of Violation x Per Day Factor x Statutory Max x Culpability Multiplier x Cleanup and Cooperation Multiplier x History of Violations Multiplier = Total Base Liability

For 1 day of Violation on January 29, 2021

$1 \times 0.15 \times \$10,000 \times 1.2 \times 1.0 \times 1.3 = \$2,340$

For the rest of the days of violations (7 days of violation)

$7 \times 0.28 \times \$10,000 \times 1.2 \times 1.0 \times 1.3 = \$30,576$

**STEP 6 – Ability to Pay and Ability to Continue in Business**

The Enforcement Policy provides that if there is sufficient financial information to assess the violator's ability to pay the total base liability or to assess the effect of the total base liability on the violator's ability to continue in business, then the liability may be adjusted downward if warranted. The Discharger is a large glass manufacturer in the United States; it has plants throughout the country and has not raised the issue of the ability to pay. The Discharger has agreed to pay the agreed upon penalty and therefore, this factor was not reduced.

**STEP 7 – Economic Benefit**

The Enforcement Policy directs the Los Angeles Water Board to determine any economic benefit of the violations based on the best available information and suggests that the amount of the administrative civil liability should exceed this amount whether or not economic benefit is a statutory minimum.

The Discharger did not receive an economic benefit by delaying stormwater diversion to the effluent flumes. All costs to modify the system were considered delayed and not avoided, given that they must still be completed in order to prevent future violations. When the EPA model is utilized to determine the economic benefit of the delayed costs, the amount was minimal because of current inflationary conditions.

**STEP 8 – Other Factors As Justice May Require**

In light of Board resources expended at Discharger's request to assist the facility with its compliance efforts, the Prosecution Team and Discharger agree that it is appropriate to increase the Total Base Liability amount by \$2,142.

**STEP 9 – Maximum and Minimum Liability Amounts**

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The

maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

***Maximum Liability Amount***

Pursuant to Water Code section 13385 the maximum civil liability that the Los Angeles Water Board may assess for this violation is (a) ten thousand dollars (\$10,000) per day of violation (per violation); and (b) ten dollars (\$10) for every gallon discharged, over one thousand (1,000) gallons discharged, that was not cleaned up. In this instance, the Prosecution Team is proposing the assessment of civil liability for the discharge of stormwater to waters of the United States on a per day and per gallon basis. The Maximum Liability Amount that could be assessed for this violation pursuant to Water Code section 13385 is **\$10,000 per day of discharge** and **\$10 per gallon discharged over 1,000 gallons**. Therefore, the maximum liability amount for Violation No. 1 is **\$1,634,610** (the sum of \$80,000 for 8 days of discharge and \$1,554,610 for the discharge of 163,461 gallons of material discharged). The maximum penalty reflects the \$10 gallon set forth in statute, a subtraction of the first 1,000 gallons of each daily discharge, and is not increased by adjustment factors.

***Minimum Liability Amount***

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "*at a minimum, liability shall be assessed at a level that recovers the economic benefit, if any, derived from the acts that constitute the violation.*" The Enforcement Policy requires that the adjusted Total Base Liability Amount be at least ten percent (10%) higher than the Economic Benefit. As noted in Step 7, the Discharger did not receive an economic benefit by delaying stormwater diversion to the effluent flumes. However, in consideration of the mandatory minimum penalties the Discharger would have been subjected pursuant to Water Code sections 13385(h) and (i), for the effluent limit violations listed in Exhibit 1 during the alleged violation period (\$162,000), the Prosecution Team determines it is appropriate to use the mandatory minimum penalties in lieu of the economic benefit to calculate the minimum liability amount. Therefore, the Minimum Liability Amount that should be assessed for this violation is  $(1.1 \times \$162,000) = \mathbf{\$178,200}$ .

The final penalty reached through settlement and fair application of the Enforcement Policy factors is \$674,306, which falls between the minimum and maximum penalty range.

**STEP 10 – Final Liability Amount**

Based on the liability calculation methodology, the proposed civil liability for 8 days of discharge and 163,461 gallons of discharged material in violation of the WDRs and NPDES permit is \$ 674,306, including staff costs.

This amount reflects the appropriate amount over the minimum penalty required by law. MMPs have been issued and paid for more than the past ten years, and yet the effluent violations continue. The recommended penalty is designed to dissuade the Discharger from viewing continued water quality impacts and additional MMPs as a cost of doing business.

Attachment A  
Owens-Brockway Glass Container Inc.

Enclosed: Exhibit 1 – Effluent Exceedances

**Exhibit 1**  
**Owens-Brockway Glass Container Inc.**

**EXHIBIT 1 – EFFLUENT EXCEEDANCES FOR OWENS FACILITY**  
**VIOLATION PERIOD DECEMBER 1, 2020 THROUGH MARCH 31, 2022**

<b>Violation Date</b>	<b>Discharge Point</b>	<b>Violation Type</b>	<b>Parameter</b>	<b>Reported Value</b>	<b>Permit Limit</b>	<b>Units</b>	<b>Pollutant Category</b>	<b>% Exceeded</b>
12/28/20	001	Single Sample Max	E. coli*	490	235	MPN/100 mL	OEV	NA
12/28/20	001	Daily Max	Copper	32	17	µg/L	2	88%
12/28/20	001	Daily Max	Selenium	29	8.2	µg/L	2	254%
12/28/20	001	Daily Max	Zinc	410	159	µg/L	2	158%
12/28/20	001	Daily Max	Chronic Toxicity*	Fail	Pass, % Effect <50	NA	OEV	NA
01/29/21	001	Daily Max	Copper	43	17	µg/L	2	153%
01/29/21	001	Daily Max	Selenium	22	8.2	µg/L	2	168%
01/29/21	001	Daily Max	Zinc	680	159	µg/L	2	328%
01/29/21	002	Instant Max	pH	9.42	8.5	SU	OEV	NA
01/29/21	002	Single Sample Max	E. coli	330	235	MPN/100 mL	OEV	NA
01/29/21	002	Daily Max	Turbidity	110	75	NTU	OEV	NA
01/29/21	002	Daily Max	Copper	21	17	µg/L	2	24%
01/29/21	002	Daily Max	Selenium	71	8.2	µg/L	2	766%
01/29/21	002	Daily Max	Zinc	390	159	µg/L	2	145%
01/29/21	002	Daily Max	TSS	130	75	mg/L	2	73%

**Exhibit 1**  
**Owens-Brockway Glass Container Inc.**

<b>Violation Date</b>	<b>Discharge Point</b>	<b>Violation Type</b>	<b>Parameter</b>	<b>Reported Value</b>	<b>Permit Limit</b>	<b>Units</b>	<b>Pollutant Category</b>	<b>% Exceeded</b>
01/29/21	002	Daily Max	TCDD equiv.	6.2E-07	2.8E-08	µg/L	2	2,114%
03/03/21	001	Instantaneous Max	pH	8.83	8.5	SU	OEV	NA
03/03/21	001	Daily Max	BOD	31	30	mg/L	1	3%
03/03/21	001	Daily Max	Copper	57	17	µg/L	2	235%
03/03/21	001	Daily Max	Selenium	170	8.2	µg/L	2	1,973%
03/03/21	001	Daily Max	Zinc	430	159	µg/L	2	170%
03/15/21	001	Daily Max	Selenium	23	8.2	µg/L	2	180%
		Daily Max	Zinc	270	159	µg/L	2	70%
10/25/21	001	Single Sample Max	E. coli*	460	235	MPN/100 mL	OEV	NA
10/25/21	001	Daily Max	Copper	47	17	µg/L	2	176%
10/25/21	001	Daily Max	Selenium	88	8.2	µg/L	2	973%
10/25/21	001	Daily Max	TCDD equiv.	2.99E-06	2.8E-08	µg/L	2	10,579%
10/25/21	001	Daily Max	TCDD equiv.	1.32E-05	3.80E-06	lbs/day	2	247%
10/25/21	001	Daily Max	Zinc	1,100	159	µg/L	2	592%
10/25/21	001	Daily Max	Chronic Toxicity*	Fail	Pass, % Effect <50	NA	OEV	NA
10/25/21	002	Single Sample Max	E. coli*	790	235	MPN/100 mL	OEV	236%



**Exhibit 1**  
**Owens-Brockway Glass Container Inc.**

<b>Violation Date</b>	<b>Discharge Point</b>	<b>Violation Type</b>	<b>Parameter</b>	<b>Reported Value</b>	<b>Permit Limit</b>	<b>Units</b>	<b>Pollutant Category</b>	<b>% Exceeded</b>
10/25/21	002	Instantaneous Max	pH*	9.25	8.5	SU	OEV	9%
10/25/21	002	Daily Max	Turbidity	140	75	NTU	OEV	87%
10/25/21	002	Daily Max	Bis (2-Ethylhexyl) Phthalate	10	4	µg/L	2	150%
10/25/21	002	Daily Max	Cyanide	9.9	8.5	µg/L	2	16%
10/25/21	002	Daily Max	Selenium	14	8.2	µg/L	2	71%
10/25/21	002	Daily Max	Zinc	180	159	µg/L	2	13%
10/25/21	002	Daily Max	Chronic Toxicity*	Fail	Pass, % Effect <50	NA	OEV	NA
12/14/21	001	Daily Max	Copper	27	17	µg/L	2	2,095%
12/14/21	001	Daily Max	Selenium	180	8.2	µg/L	2	2,480%
12/14/21	001	Daily Max	Selenium	0.0258	0.001	lbs/day	2	378%
12/14/21	001	Daily Max	Zinc	760	159	µg/L	2	16%
12/14/21	002	Single Sample Max	E. coli	3,500	235	MPN/100 mL	OEV	1,389%
12/14/21	002	Instantaneous Max	pH	10.25	8.5	SU	OEV	21%
12/14/21	002	Daily Max	Turbidity	100	75	NTU	OEV	33%
12/14/21	002	Daily Max	Copper	32	17	µg/L	2	88%
12/14/21	002	Daily Max	Selenium	120	8.2	µg/L	2	1,363%

**Exhibit 1**  
**Owens-Brockway Glass Container Inc.**

<b>Violation Date</b>	<b>Discharge Point</b>	<b>Violation Type</b>	<b>Parameter</b>	<b>Reported Value</b>	<b>Permit Limit</b>	<b>Units</b>	<b>Pollutant Category</b>	<b>% Exceeded</b>
12/14/21	002	Daily Max	Selenium	0.06214	0.05	µg/L	2	24%
12/14/21	002	Daily Max	Settleable Solids	0.5	0.3	mg/L	1	67%
12/14/21	002	Daily Max	TSS	310	75	mg/L	1	313%
12/14/21	002	Daily Max	Zinc	480	159	µg/L	2	202%
12/27/21	001	Instantaneous Max	pH	10.1	8.5	SU	OEV	19%
12/27/21	001	Daily Max	Copper	45	17	µg/L	2	165%
12/27/21	001	Daily Max	Pentachlorophenol	1.8	1	µg/L	2	80%
12/27/21	001	Daily Max	Selenium	260	8.2	µg/L	2	3,071%
12/27/21	001	Daily Max	Zinc	200	159	µg/L	2	26%
12/27/21	002	Instantaneous Max	pH	9.03	8.5	SU	OEV	6%
12/27/21	002	Daily Max	Selenium	56	8.2	µg/L	2	583%
03/28/22	001	Daily Max	Zinc	450	159	µg/L	2	183%
03/28/22	001	Daily Max	Selenium	42	8.2	µg/L	2	412%
03/28/22	001	Daily Max	Copper	39	17	µg/L	2	129%

\*These violations are not subject to MMPs.