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January 5, 2010

Via Certified Mail, Return Receipt Requested, and Electronic Mail

Bill Fulton
Mayor

Rick Cole
City Manager
City of San Buenaventura
501 Poli Street
Ventura, CA 93002-0099
Email: bfulton@ci.ventura.ca.us; citymanager@ci.ventura.ca.us,

Re: Sixty-Day Notice of Violations of Clean Water Act and Notice of Intent to File Suit

Dear Mr. Fulton and Mr. Cole:

I am writing on behalf of Wishtoyo Foundation and its Ventura Coastkeeper Program, hereinafter "Coastkeeper," to notify you of serious and ongoing violations of the federal Clean Water Act ("CWA") at the City of San Buenaventura's ("Ventura's") publicly owned treatment works ("the POTW") for the collection and treatment of sanitary sewage. The purpose of this letter is further to provide notice of Coastkeeper's intent to file a civil action against Ventura sixty days (60) days after the date of this letter.

I. IDENTITY OF PERSONS GIVING NOTICE AND THEIR COUNSEL

In accord with 40 C.F.R. section 135.3(b), Coastkeeper hereby gives notice of the names, addresses, and telephone numbers of the person giving notice, which is Coastkeeper.

Coastkeeper is a community based 501(c)(3) non-profit membership organization in Ventura County with over 700 members composed of Chumash Native Americans, Ventura County residents, and the general public who enjoy the recreational, spiritual, cultural, and aesthetic benefits of the Santa Clara River, the Santa Clara River Estuary, and Ventura County's coastal marine waters and environment. Coastkeeper's mission is

to protect, preserve, and restore the ecological integrity and water quality of Ventura County's inland waterbodies, coastal waters, and watersheds. Coastkeeper strives to maintain clean and ecologically healthy waters for all living beings in the Ventura County's community through advocacy, education, legal enforcement, restoration projects, and citizen action. Coastkeeper is also a member of the Waterkeeper Alliance, a coalition of 190 member programs on six continents around the world fighting for clean water and strong communities.

As a program of the Wishtoyo Foundation, whose mission is to preserve, protect, and restore Chumash culture, the culture and history of coastal communities, cultural resources, and the environment, Coastkeeper also strives to protect, preserve, and restore the natural resources that the Chumash Culture, and that all cultures depend upon. The Chumash People, including members of Wishtoyo Foundation, have a long history of interaction with the Santa Clara River Estuary and with the Santa Clara River's population of Southern California Steelhead, a species listed as endangered under the federal Endangered Species Act, for a variety of cultural purposes including religious and ceremonial ones. The Chumash People and members of the Wishtoyo Foundation also share a sacred and cultural relationship with the "Isha'kowoch" (Chumash name for Southern California Steelhead), that is depicted in Chumash Peoples' ancient cave paintings, modern day art, celebrated in Chumash songs and ceremonies, and told in Chumash stories which have been passed down from generation to generation for over 10,000 years.

Additionally, Coastkeeper's members use the Santa Clara River Estuary, and the hydrologically connected McGrath State Beach, Ventura County coastline, and local streams, for body contact water sports such as surfing and other forms of recreation, wildlife observation, aesthetic enjoyment, educational study, spiritual contemplation, and cultural practices. These Coastkeeper members are concerned about the water quality and ecological integrity of the Santa Clara River Estuary, of the Santa Clara River watershed ecosystem, and of their coastal waters and beaches, and are, and will continue to be, adversely affected by Ventura's sewage discharge violations. Coastkeeper may be contacted at:

Ventura Coastkeeper
3875-A Telegraph Rd., #423
Ventura, CA 93003
Tel: (805) 658-1120, Fax (805) 258-5107

Coastkeeper has retained the following legal counsel to represent them in this matter:

Christopher A. Sproul, Esq.
Environmental Advocates
5135 Anza Street
San Francisco, California 94121
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Ventura, CA 93003
Tel: (805) 823-3301
E-mail: jweiner.venturacoastkeeper@wishtoyo.org

All communications should be addressed to legal counsel at the above addresses.

II. FACTUAL BACKGROUND

Ventura is a municipality incorporated under the laws of the State of California. Ventura owns and operates the Ventura Water Reclamation Facility (WRF) located at 1400 Spinnaker Drive, Ventura, CA 93001-4340, and the appurtenant collection system, which collectively is a publicly owned treatment works as defined in CWA section 212(2)¹ and 40 C.F.R. section 125.58(s). The WRF and related collection system collects and treats sanitary sewage from Ventura's residents and businesses. The WRF discharges treated sanitary sewage to the Santa Clara River Estuary receiving waters.

The CWA prohibits the discharge of pollutants by any person to waters of the United States except in compliance with a permit duly issued under the CWA. CWA § 301(a), 33 U.S.C. § 1311(a). The CWA authorizes the U.S. Environmental Protection Agency ("EPA"), or states with permit programs approved by EPA, to issue National Pollutant Discharge Elimination System (NPDES) permits allowing for the discharge of pollutants into waters of the United States. CWA § 402, 33 U.S.C. § 1342.

NPDES permits to POTWs must include effluent limitations set according to the level of pollutant reduction attainable via the application of secondary treatment. CWA § 301(b)(1)(B), 33 U.S.C. § 1311(b)(1)(B). In addition, NPDES permits must include any more stringent effluent limitations necessary to meet state water quality standards. CWA § 301(b)(1)(C), 33 U.S.C. § 1311(b)(1)(C).

EPA has approved the State of California's State Water Resources Control Board and Regional Water Quality Control Boards to administer an NPDES permit program in California.

¹ 33 U.S.C. § 1292(2).

The California Regional Water Quality Control Board, Los Angeles Region (“the Regional Board”) has issued an NPDES permit to the POTW via Order No. R4-2008-0011, NPDES Permit No. CA0053651 (“the NPDES Permit”).

The Regional Board has further issued Ventura Time Schedule Order No. R4-2008-0012 (“the TSO”) which imposes various obligations on Ventura designed to promote and advance Ventura’s compliance with the NPDES Permit and the CWA, including additional effluent limitations applicable to the WRF’s discharge. CWA section 505(a)(1), 33 U.S.C. § 1365(a)(1), specifically provides that citizens can enforce administrative orders such as the TSO in a citizen suit brought pursuant to CWA section 505.

Ventura has repeatedly violated the CWA by discharging sewage from the WRF that contained levels of pollutants exceeding that authorized by the NPDES Permit and Time Schedule Order No. R4-2008-0012. Ventura has also repeatedly violated the CWA by discharging raw sewage from the POTW collection system without NPDES permit authorization. Ventura has further violated the NPDES Permit by (1) discharging wastewater “at a location different from that” authorized by the NPDES Permit and (2) by spilling sewage from the collection system in violation of conditions of the NPDES Permit that effectively prohibit such spills.

A. WRF Effluent Discharge Problems

Ventura has repeatedly discharged and continues to discharge sewage from the WRF with excessive levels, i.e., levels that exceed Ventura’s NPDES permit limits and/or Time Schedule Order limits, of the following pollutants: copper, nickel, selenium, coliform, pH, turbidity, ammonia nitrogen, nitrite + nitrate as nitrogen, and nitrate as nitrogen..

The elevated coliform levels indicate that Ventura’s WRF discharges contain pathogens that risk causing disease to members of the public that might come into contact with the WRF’s sewage effluent plume. Furthermore, these pathogens’ exposure to pharmaceuticals commonly found in sewage pose elevated County wide public health threats because bacteria exposure to antibiotics, in, and discharged from, the WRF, poses a risk of creating strains of antibiotic resistant bacteria. Ammonia, copper, nickel, and selenium are toxic pollutants harmful to aquatic wildlife, including the Southern California Steelhead, and/or human populations. High levels of nutrients, including nitrite + nitrate as nitrogen, and nitrate as nitrogen can lead to eutrophication, excess algal growth, and low dissolved oxygen concentrations that can negatively impact aquatic life, including the Southern California Steelhead. Further, the improper level of pH in WRF effluent discharges indicates that the WRF is generally not providing adequate treatment and that there may be additional harmful pollutants being discharged into the environment from the WRF that Ventura is not monitoring for.

B. Ventura Sewage Spills

Ventura has repeatedly spilled raw sewage from its collection system that carries sewage to the WRF. Such raw sewage has repeatedly overflowed or spilled from Ventura sewer lines, manholes, pump stations, and various other POTW equipment/conveyances. A partial list of Ventura's sewage spills is attached as Exhibit 2 to this Notice Letter.

These spills have sent raw sewage streaming into private residences and businesses, streets, storm drains, streams and the Pacific Ocean. These spills have repeatedly posed serious public health threats and created severe nuisance in exposing substantial numbers of people to raw sewage. Raw sewage contains a variety of human bacteriological, viral, and parasitic pathogens, and exposure to raw sewage is well-known to cause various human illnesses. In addition to human waste, sanitary sewage contains various toxic chemicals from the solvents, detergents, cleansers, inks, pesticides, paints, pharmaceuticals and other chemicals discarded by households and businesses. Thus, Ventura's sewage spills pose serious public health risk in exposing members of the public and Coastkeeper's members to sewage-borne pathogens and various toxic pollutants. These persistent, repeated sewage spills also have threatened harm to the sensitive aquatic environments of Ventura's inland and coastal waters, as the pathogens and toxic pollutants in sewage can adversely affect aquatic life.

III. VIOLATIONS OF THE FEDERAL CLEAN WATER ACT

A. Violations of WRF NPDES Permit Effluent Limitations

The NPDES Permit imposes effluent limitations, *inter alia*, on the WRF's discharge of the following pollutants: coliform, pH, turbidity, copper, nickel, selenium, ammonia nitrogen, nitrite + nitrate as nitrogen, and nitrate as nitrogen. Ventura has repeatedly discharged wastewater from the WRF that has violated the NPDES Permit's effluent limitations on these pollutant parameters.

The attached Exhibit 1 lists all of Ventura's violations of the NPDES permit's effluent limitations over the preceding five years that are currently known to Coastkeeper. The dates provided in Exhibit 1 are the dates of violation that Ventura reported to the Regional Board. Some of the NPDES Permit effluent limitations that Ventura violated are daily maximum limits, some are monthly average limits, and some are seven day median limits. Any violation of a daily maximum limit for any single pollutant parameter constitutes one separate CWA violation (note: a single sample result may be used to create a permissible inference that Ventura violated its daily maximum limits on additional days of discharge on which Ventura did not sample and analyze its WRF wastewater discharges). Specifically, Coastkeeper contends and will allege that Ventura's violations of its daily maximum effluent limits continued on all days subsequent to a sampling event that demonstrated Ventura's noncompliance with a daily maximum effluent limit until the next sampling event that demonstrated Ventura's compliance with the maximum limit. Any violation of a monthly average limit for any

single pollutant parameter constitutes separate CWA violations for each day of the month in which the effluent limit violation occurred. Any violation of a seven day median limit for any single pollutant parameter constitutes separate CWA violations for each day of the relevant sampling period during which the effluent limit violation occurred.

In addition, by repeatedly discharging wastewater that exceeds effluent limits in the NPDES Permit, Ventura has violated NPDES Permit, Standard Provisions- Permit Compliance, § 1.A. which provides: "The Discharger must comply with all of the conditions of this Order."

Coastkeeper will include in its suit against Ventura claims for additional violations when additional information becomes available. Ventura has taken inadequate affirmative steps to eliminate the WRF's Effluent Limitation Discharge Violations, thus these violations are ongoing and will continue in the future.

B. Violations of Time Schedule Order Limitations

The TSO also imposes effluent limitations on the following pollutant parameters: ammonia nitrogen, nitrite + nitrate as nitrogen, and nitrate as nitrogen. Ventura has repeatedly discharged wastewater from the WRF that has also violated the TSO effluent limitations on these pollutant parameters.

The attached Exhibit 3 lists all of Ventura's violations of the TSO's effluent limitations over the preceding five years that are currently known to Coastkeeper. The dates provided in Exhibit 3 are the dates of violation that Ventura reported to the Regional Board. Some of the TSO effluent limitations that Ventura violated are daily maximum limits, some are monthly average limits, and some are seven day median limits. Any violation of a daily maximum limit for any single pollutant parameter constitutes one separate CWA violation (note: a single sample result may be used to create a permissible inference that Ventura violated its daily maximum limits on additional days of discharge on which Ventura did not sample and analyze its WRF wastewater discharges). Specifically, Coastkeeper contends and will allege that Ventura's violations of its daily maximum effluent limits continued on all days subsequent to a sampling event that demonstrated Ventura's noncompliance with a daily maximum effluent limit until the next sampling event that demonstrated Ventura's compliance with the maximum limit. Any violation of a monthly average limit for any single pollutant parameter constitutes separate CWA violations for each day of the month in which the effluent limit violation occurred. Any violation of a seven day median limit for any single pollutant parameter constitutes separate CWA violations for each day of the relevant sampling period during which the effluent limit violation occurred.

As noted, CWA section 505(a)(1), 33 U.S.C. § 1365(a)(1) specifically authorizes citizens to bring citizen suit claims for violation of administrative orders such as the TSO in an action brought pursuant to CWA section 505.

C. Sewage Spills

1. Violation of CWA § 301(a)'s Prohibition On Unpermitted Discharges to Waters of the United States.

As noted above, Ventura has repeatedly spilled raw sewage from its sewage collection system. At least some of these sewage spills have flowed into waters of the United States. Ventura does not and could not have NPDES permit authorization to discharge raw sewage from its collection system to waters of the United States, which include the Pacific Ocean, all wetlands adjacent to the Pacific Ocean, freshwater streams and other waters that are tributary to the Pacific Ocean, and any wetlands adjacent to such tributaries. All such discharges of raw sewage have thus constituted the unauthorized discharge of pollutants in violation of CWA section 301(a), which expressly provides:

Except as in compliance with this section and sections . . . 1342 [which provides for NPDES permit authorization for pollutant discharges] . . . the discharge of any pollutant by any person shall be unlawful.

33 U.S.C. § 1311(a).

2. Violation of CWA § 301(a) for Sewage Discharges in Violation of NPDES Permit Prohibition.

The NPDES Permit further provides: "Discharge of wastewater at a location different from that described by this Order is prohibited." NPDES Permit, Discharge Prohibitions, § III.B. Ventura's sewage spills constitute discharges of wastewater at a location different from that described by the NPDES Permit, which only authorizes discharge of treated wastewater from WRF Discharge Outfall No. 001 into Santa Clara River Estuary.

3. Violation of CWA § 301(a) for Sewage Discharges in Violation of NPDES Standard Provisions.

By allowing sewage spills from its sewage collection system, Ventura has violated the NPDES Permit's Standard Provisions – Duty to Comply, subsection I.D, which provides: "The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order." Ventura's collection system and WRF constitute facilities and systems, and related appurtenances, installed or used by Ventura to comply with the NPDES permit. Thus, in operating and maintaining collection system conditions that have allowed sewage spills, Ventura has violated the NPDES Permit's Standard Provisions - Permit Compliance, subsection I.D's requirement to "at all times properly operate and maintain" the Ventura POTW.

4. Dates and Locations of Violations

A partial list of Ventura's sewage spills, provided by way of example, is set forth as Exhibit 2 to this letter. This partial list indicates the date and location of these sewage spills and identifies whether these spills entered waters of the United States. As noted, these above-described spills are illustrative of the types of sewage spills from Ventura's sewage collection system.

The dates and locations of, and all other pertinent details concerning, Ventura's sewage spills are well known to Ventura, as Ventura is required to monitor and report these spills to the California State Water Resources Control Board pursuant to the Statewide General Waste Discharge Requirement (WDR) for Wastewater Collection Agencies, State Water Resources Control Board Order No. 2006-0003-DWQ; to the Regional Board, and to the California Office of Emergency Services ("OES"). *See* Cal. Water Code §§ 13193(c), 13271; NPDES Permit, Special Provisions, § VI.C.6.c. Each of these spills that has caused pollutants to flow into waters of the United States constitutes a separate violation of CWA section 301(a). At a minimum, all of the spills on the attached Exhibit 2 have caused sewage to flow directly or indirectly into waters of the United States.

Coastkeeper will include in its suit against Ventura claims for additional violations when additional information becomes available. Ventura has taken inadequate affirmative steps to eliminate its sewage spills, thus these violations are ongoing and will continue in the future.

IV. NOTICE OF INTENT TO SUE VENTURA FOR VIOLATIONS OF THE CLEAN WATER ACT

Coastkeeper contends that Ventura has failed in the respects set forth above to comply with the requirements imposed by CWA section 301(a) and the NPDES Permit. CWA section 505(b), 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his/her intention to sue. 40 C.F.R. section 135.2 provides that, if the alleged violator is a State or local agency, service of notice shall be accomplished by certified mail addressed to, or by personal service upon, the head of such agency. This section further provides that a copy of the notice shall be mailed to the chief administrative officer of the water pollution control agency for the State in which the violation is alleged to have occurred, the EPA Administrator and the EPA Regional Administrator for the EPA Region in which such violation is alleged to have occurred. Accordingly, this notice is being sent to you as the Mayor of Ventura and the City Manager of Ventura. We are also sending copies to the EPA Administrator, the Regional Administrator of EPA Region 9, the Executive Director of the State Board, and the Executive Officer of the Regional Board (and a courtesy copy to the U.S. Department of Justice).

By this letter, pursuant to CWA section 505(a) and (b), and 33 U.S.C. §1365(a) and (b), Coastkeeper hereby puts you on notice that after the expiration of sixty (60) days

B. Fulton
R. Cole
Jan. 5, 2010

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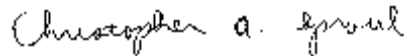
from the date of this Notice of Intent To File Suit, Coastkeeper intends to file an enforcement action in federal court against Ventura for the latter's CWA violations.

Coastkeeper intends to seek civil penalties and, in addition, injunctive relief preventing further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as is permitted by law. Pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. section 19.4, each of the above-described CWA violations subjects Ventura to a penalty of up to \$32,500 per day per violation for all separate CWA violations. *See* 69 Fed. Reg. 7121 (Feb. 13, 2004).

In addition to the violations set forth above, this notice covers all ongoing CWA violations and violations evidenced by information that becomes available to Coastkeeper after the date of this Notice of Intent to File Suit.

Coastkeeper is interested in discussing effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of further litigation, we suggest that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. Although Coastkeeper is always interested in avoiding unnecessary litigation, it does not intend to delay the filing of a complaint in federal court if discussions are continuing when the notice period ends.

Sincerely,



Christopher Sproul
Environmental Advocates



Jason A. Weiner
Staff Attorney
Wishtoyo Foundation / Ventura Coastkeeper

cc:

Lisa Jackson, Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460	Eric Holder, U.S. Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-0001
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<p>Laura Yoshii Acting Regional Administrator U.S. Environmental Protection Agency, Region 9 75 Hawthorne Street San Francisco, California 94105-3901</p>	<p>Dorothy R. Rice, Executive Director State Water Resources Control Board 1001 I Street Sacramento, CA 95814</p>
<p>Tracy J. Egoscue, Executive Officer Regional Water Quality Control Board Los Angeles Region 320 West Fourth St., Suite 200 Los Angeles, CA 90013</p>	

Exhibit 1- List of NPDES Permit Effluent Violations, January 10, 2005- September 30, 2009 (by date)
NPDES Permit no. CA0053651, Order No. R4-2008-0011, Outfall #001
City of Ventura Water Reclamation Facility
Ventura, California

<u>[1]</u>	<u>[2]</u>	<u>[3]</u>	<u>[4]</u>	<u>[5]</u>	<u>[6]</u>	<u>[7]</u>	<u>[8]</u>
<u>Violation Number</u>	<u>Violation Date</u>	<u>Constituent Name</u>	<u>Permit Limit Time Interval</u>	<u>Permit Limit Amount</u>	<u>Permit Limit Units</u>	<u>Measured Amount</u>	<u>Measured Units</u>
309002	1/10/2005	T	DA	2	NTU	2.9	NTU
309003	1/14/2005	TC	30-day	23	MPN/100mL	110	MPN/100mL
309004	1/26/2005	TC	7-day	2.2	MPN/100mL	5	MPN/100mL
283153	2/20/2005	TC	30-day	23	MPN/100mL	33	MPN/100mL
356983	2/22/2005	TC	30-day	23	MPN/100mL	540	MPN/100mL
360969	3/17/2005	CT	Maximum	1	TUc	1.8	TUc
349440	4/25/2005	CT	Maximum	1	TUc	2	TUc
345613	5/11/2005	CT	Maximum	1	TUc	2	TUc
345607	6/25/2005	TC	30-day	1	MPN/100mL	2	MPN/100mL
345608	6/26/2005	TC	7-day	2.2	MPN/100mL	5	MPN/100mL
345609	6/27/2005	TC	7-day	2.2	MPN/100mL	7	MPN/100mL
345610	6/28/2005	TC	7-day	2.2	MPN/100mL	5	MPN/100mL
345611	6/29/2005	TC	7-day	2.2	MPN/100mL	7	MPN/100mL
345612	6/30/2005	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
345592	7/1/2005	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
345593	7/2/2005	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
345594	7/3/2005	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
345595	7/4/2005	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
345596	7/5/2005	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
345597	7/6/2005	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
345600	7/28/2005	CT	Maximum	1	TUc	1.79	TUc
345590	8/30/2005	CT	Maximum	1	TUc	1.79	TUc
443059	2/3/2006	Se	DM	8.8	mg/L	10.4	mg/L
443060	2/3/2006	Se	MA	2.9	mg/L	10.4	mg/L
443058	5/10/2006	Se	MA	2.9	mg/L	6.71	mg/L
790093	9/3/2006	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790095	9/4/2006	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790094	9/5/2006	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790096	12/2/2006	TC	7-day	2.2	MPN/100mL	4	MPN/100mL

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NPDES Permit no. CA0053651, Order No. R4-2008-0011, Outfall #001

City of Ventura Water Reclamation Facility

Ventura, California

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790097	12/3/2006	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790098	12/4/2006	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790099	12/5/2006	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
714356	8/12/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
714357	8/13/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
714358	8/14/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
714359	8/15/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
714360	8/16/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
714361	9/25/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
714362	9/26/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
714363	9/27/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
714364	9/28/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
714365	9/29/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
714366	9/30/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790069	10/1/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790070	10/2/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790071	10/3/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790072	10/4/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790073	10/5/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790074	10/6/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790075	10/9/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790076	10/10/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790077	10/11/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790078	10/12/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
790079	10/13/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790080	10/14/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790081	10/15/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790082	10/16/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
790083	10/17/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL

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NPDES Permit no. CA0053651, Order No. R4-2008-0011, Outfall #001

City of Ventura Water Reclamation Facility

Ventura, California

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443061	10/18/2007	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
746299	10/19/2007	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
746300	11/19/2007	TC	DM	23	MPN/100mL	80	MPN/100mL
790086	2/1/2008	Cu	DM	2.9	mg/L	7.8	mg/L
790084	2/1/2008	Ni	DM	15.2	mg/L	27.4	mg/L
790087	2/29/2008	Cu	MA	2	mg/L	6.9	mg/L
790089	2/29/2008	Cu	MA	2	mg/L	7.4	mg/L
790085	2/29/2008	Ni	MA	5.3	mg/L	16.7	mg/L
790090	3/12/2008	Cu	MA	4.2	mg/L	5	mg/L
823766	8/24/2008	TC	DM	23	MPN/100mL	90	MPN/100mL
823771	8/25/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823768	8/26/2008	TC	DM	23	MPN/100mL	50	MPN/100mL
823773	8/26/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823774	8/27/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823775	8/28/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823777	8/29/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823769	8/30/2008	TC	DM	23	MPN/100mL	110	MPN/100mL
823779	8/30/2008	TC	7-day	2.2	MPN/100mL	23	MPN/100mL
823783	8/30/2008	pH	Minimum	6.5	pH units	6.39	pH units
823770	8/31/2008	TC	DM	23	MPN/100mL	27	MPN/100mL
823780	8/31/2008	TC	7-day	2.2	MPN/100mL	23	MPN/100mL
823811	9/1/2008	TC	7-day	2.2	MPN/100mL	13	MPN/100mL
823812	9/2/2008	TC	7-day	2.2	MPN/100mL	13	MPN/100mL
823813	9/3/2008	TC	7-day	2.2	MPN/100mL	13	MPN/100mL
823814	9/4/2008	TC	7-day	2.2	MPN/100mL	13	MPN/100mL
823815	9/5/2008	TC	7-day	2.2	MPN/100mL	13	MPN/100mL
823816	9/6/2008	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
823817	9/7/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823819	10/12/2008	TC	7-day	2.2	MPN/100mL	7	MPN/100mL

Exhibit 1- List of NPDES Permit Effluent Violations, January 10, 2005- September 30, 2009 (by date)

NPDES Permit no. CA0053651, Order No. R4-2008-0011, Outfall #001

City of Ventura Water Reclamation Facility

Ventura, California

<u>[1]</u> <u>Violation Number</u>	<u>[2]</u> <u>Violation Date</u>	<u>[3]</u> <u>Constituent</u> <u>Name</u>	<u>[4]</u> <u>Permit Limit Time</u> <u>Interval</u>	<u>[5]</u> <u>Permit Limit</u> <u>Amount</u>	<u>[6]</u> <u>Permit Limit</u> <u>Units</u>	<u>[7]</u> <u>Measured</u> <u>Amount</u>	<u>[8]</u> <u>Measured Units</u>
823821	10/13/2008	TC	7-day	2.2	MPN/100mL	7	MPN/100mL
823822	10/14/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823823	10/15/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823825	10/16/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823828	10/17/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823829	10/18/2008	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
823833	12/17/2008	NO3	DM	MA = 10	mg/L	21.5	mg/L
823839	1/7/2009	NO3	DM	MA = 10	mg/L	24.3	mg/L
823835	1/7/2009	NO2 + NO3	DM	MA = 10	mg/L	24.3	mg/L
823841	1/28/2009	NO3	DM	MA = 10	mg/L	22.2	mg/L
823836	1/28/2009	NO2 + NO3	DM	MA = 10	mg/L	22.2	mg/L
823840	1/31/2009	NO3	MA	10	mg/L	21.3	mg/L
823837	1/31/2009	NO2 + NO3	MA	10	mg/L	21.325	mg/L
823843	2/4/2009	NO3	DM	MA = 10	mg/L	21.6	mg/L
823850	2/4/2009	NO2 + NO3	DM	MA = 10	mg/L	21.6	mg/L
823844	2/11/2009	NO3	DM	MA = 10	mg/L	22.6	mg/L
823851	2/11/2009	NO2 + NO3	DM	MA = 10	mg/L	22.6	mg/L
823845	2/25/2009	NO3	DM	MA = 10	mg/L	21.6	mg/L
823852	2/25/2009	NO2 + NO3	DM	MA = 10	mg/L	21.6	mg/L
823848	2/28/2009	NO3	MA	10	mg/L	20.6	mg/L
823854	2/28/2009	NO2 + NO3	MA	10	mg/L	20.6	mg/L
844347	3/2/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
844348	3/3/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
844349	3/4/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
844337	3/4/2009	NO3	DM	MA = 10	mg/L	22.2	mg/L
844342	3/4/2009	NO2 + NO3	DM	MA = 10	mg/L	22.2	mg/L
844338	3/11/2009	NO3	DM	MA = 10	mg/L	22.1	mg/L
844343	3/11/2009	NO2 + NO3	DM	MA = 10	mg/L	22.1	mg/L
844340	3/25/2009	NO3	DM	MA = 10	mg/L	21.9	mg/L

Exhibit 1- List of NPDES Permit Effluent Violations, January 10, 2005- September 30, 2009 (by date)
NPDES Permit no. CA0053651, Order No. R4-2008-0011, Outfall #001
City of Ventura Water Reclamation Facility
Ventura, California

<u>[1]</u> <u>Violation Number</u>	<u>[2]</u> <u>Violation Date</u>	<u>[3]</u> <u>Constituent Name</u>	<u>[4]</u> <u>Permit Limit Time Interval</u>	<u>[5]</u> <u>Permit Limit Amount</u>	<u>[6]</u> <u>Permit Limit Units</u>	<u>[7]</u> <u>Measured Amount</u>	<u>[8]</u> <u>Measured Units</u>
844345	3/25/2009	NO2 + NO3	DM	MA = 10	mg/L	21.9	mg/L
844341	3/31/2009	NO3	MA	10	mg/L	21.9	mg/L
844346	3/31/2009	NO2 + NO3	MA	10	mg/L	21.9	mg/L
844350	4/1/2009	NO3	DM	MA = 10	mg/L	22.6	mg/L
844355	4/1/2009	NO2 + NO3	DM	MA = 10	mg/L	22.6	mg/L
844352	4/15/2009	NO3	DM	MA = 10	mg/L	21.5	mg/L
844357	4/15/2009	NO2 + NO3	DM	MA = 10	mg/L	21.5	mg/L
844353	4/29/2009	NO3	DM	MA = 10	mg/L	22.6	mg/L
844358	4/29/2009	NO2 + NO3	DM	MA = 10	mg/L	22.6	mg/L
844354	4/30/2009	NO3	MA	10	mg/L	21.7	mg/L
844359	4/30/2009	NO2 + NO3	MA	10	mg/L	21.7	mg/L
841358	5/13/2009	NO3	DM	MA = 10	mg/L	22.7	mg/L
841359	5/13/2009	NO2 + NO3	DM	MA = 10	mg/L	22.7	mg/L
841360	5/31/2009	NO3	MA	10	mg/L	19.7	mg/L
841362	5/31/2009	NO2 + NO3	MA	10	mg/L	19.7	mg/L
846205	6/24/2009	NO3	DM	MA = 10	mg/L	21.6	mg/L
846206	6/24/2009	NO2 + NO3	DM	MA = 10	mg/L	21.6	mg/L
846210	8/24/2009	NO3	DM	MA = 10	mg/L	21.8	mg/L
846211	8/24/2009	NO2 + NO3	DM	MA = 10	mg/L	21.8	mg/L
846212	8/31/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
847589	9/1/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
847590	9/2/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
847591	9/3/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
847592	9/4/2009	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
847593	9/5/2009	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
847594	9/6/2009	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
847595	9/7/2009	TC	7-day	2.2	MPN/100mL	8	MPN/100mL
847596	9/8/2009	TC	7-day	2.2	MPN/100mL	4	MPN/100mL
847582	9/9/2009	NH3	DM	.30 - .53	mg/L	5.1	mg/L

Exhibit 1- List of NPDES Permit Effluent Violations, January 10, 2005- September 30, 2009 (by date)

NPDES Permit no. CA0053651, Order No. R4-2008-0011, Outfall #001

City of Ventura Water Reclamation Facility

Ventura, California

<u>[1]</u>	<u>[2]</u>	<u>[3]</u>	<u>[4]</u>	<u>[5]</u>	<u>[6]</u>	<u>[7]</u>	<u>[8]</u>
<u>Violation Number</u>	<u>Violation Date</u>	<u>Constituent Name</u>	<u>Permit Limit Time Interval</u>	<u>Permit Limit Amount</u>	<u>Permit Limit Units</u>	<u>Measured Amount</u>	<u>Measured Units</u>
847583	9/10/2009	NH3	DM	.30 - .53	mg/L	3.3	mg/L
847584	9/23/2009	NO3	DM	MA = 10	mg/L	22.2	mg/L
847586	9/23/2009	NO2 + NO3	DM	MA = 10	mg/L	22.2	mg/L
847585	9/30/2009	NO3	DM	MA = 10	mg/L	21.7	mg/L
847587	9/30/2009	NO2 + NO3	DM	MA = 10	mg/L	22.6	mg/L

Column 3: Constituent Name

T- Turbidity
 TC- Total Coliform
 CT- Chronic Toxicity
 Se- Selenium
 Cu- Copper
 Ni- Nickel
 NO3 - Nitrate
 NO2 + NO3- Nitrite plus Nitrate as nitrogen
 NH3- Ammonia nitrogen

Column 4 and 5: Permit Limit Time Interval and Amount

DA- Daily average
 DM- Daily maximum
 7-day- 7 day median
 30-day- 30 day average
 MA- monthly average

Exhibit 2: City of Ventura Sewage Spill Table of Violations

Spill No.	Date of Spill	Location of Sewage Spill	Total spill volume (gallons)	Spill Cause and Explanation¹	Spills Admitted as Reaching Storm Drain, Drainage Channel, Beach, or Surface Water²	Health Warning Posted
1.	4/24/07	Darling Road	550	Wall of manhole failed allowing fill sand to enter manhole and cause blockage in line	yes	yes
2.	3/22/07	252 Ash Street	350	Pipe/structural problem failure	Yes: Ventura Pier Beach	yes
3.	4/24/07	252 Ash Street	120	Rags	Yes: State beach	no
4.	3/22/07	Victoria Road	25	Grease deposition	no	
5.	4/24/07	3245 Foothill Road	3	Root intrusion	no	
6.	4/24/07	252 Ash Street	150	Roots	Yes: Harbor Blvd. Beach	yes
7.	6/12/07	5980 Woodland Street	40	Grease deposition	no	
8.	9/19/07	Kalorama Street	50	Root intrusion	no	
9.	11/6/07	Dean Drive	3,000	Root intrusion	no	yes
10.	12/18/07	Loma Vista Road	400	Root intrusion	no	no
11.	1/24/08	711 Via Ondolondo Dr.	75	Root intrusion	no	
12.	1/30/08	264 Aliso Street	50	Debris	no	
13.	2/25/08	279 Brodiea Avenue	20	Root intrusion	no	
14.	2/25/08	Grove Street	20	Root intrusion	no	
15.	3/13/08	2695 Thompson Street	400	Grease deposition	no	
16.	4/1/08	Eisenhower Street	1,000	Vandalism	no	no
17.	4/1/08	Ventura Pier	100	Pump station failure	no	
18.	5/5/08	Harbor Boulevard	25	Grease deposition	no	no
19.	6/24/08	156 Barnett Street	20	Vandalism	no	
20.	7/25/08	Intersection Foster Ave.	40	Debris	yes	
21.	8/28/08	1583 Arundulle Avenue	20	Debris	no	
22.	8/28/08	1510 Brodiea Avenue	10	Root intrusion	no	
23.	10/24/08	248 Court Street	15	Stoppage caused by roots, grease, and a pipe in main line	no	
24.	2/2/09	100 Bucknell Street	2,000	Root intrusion	no	yes
25.	2/5/09	Intersection Main Street	75	Root intrusion	no	
26.	3/3/09	Petit Avenue	75	Grease deposition	no	yes

¹ Spill explanations are from the City of Ventura's report to the Regional Water Quality Control Board.

² These are sewage spills that the City of Ventura admitted to having reached a storm drain, drainage channel, beach and/or surface water in its reports to the Regional Water Quality Control Board. However, as stated in the accompanying 60 Day Notice Letter, Coastkeeper contends that all of these spills have either directly or indirectly resulted in discharges to storm drains and surface waters.

Spill No.	Date of Spill	Location of Sewage Spill	Total spill volume (gallons)	Spill Cause and Explanation	Spills Admitted as Reaching Storm Drain, Drainage Channel, Beach, or Surface Water	Health Warning Posted
27.	5/4/09	3400 block Loma Vista	200	Grease deposition	yes	no
28.	5/4/09	Figueroa Street	50	Grease deposition	no	
29.	5/31/09	267 Crestwood Street	200	Root intrusion	yes	no
30.	7/19/09	1902 Terrace Drive	2	Root intrusion	no	
31.	8/10/09	1511 Church Street	100	Root intrusion	no	no
32.	8/12/09	1199 Church Street	25	Unable to determine	no	
33.	9/3/09	2024 Terrace Drive	250	Root intrusion	no	
34.	10/4/09	2751 Poli Street	350	Root intrusion	yes	no
35.	12/8/09	338 Dakota Drive	50	Root intrusion	no	no

Exhibit 3- List of Time Schedule Order Violations (by date)

Time Schedule Order R4-2008-0012
 City of Ventura Water Reclamation Facility
 Ventura, California

[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]
<u>Violation</u>	<u>Violation</u>	<u>Constituent</u>	<u>TSO Time</u>	<u>TSO Limit</u>	<u>TSO Limit</u>	<u>Measured</u>	<u>Measured</u>
<u>Number</u>	<u>Date</u>	<u>Name</u>	<u>Limit</u> <u>Interval</u>	<u>Amount</u>	<u>Units</u>	<u>Amount</u>	<u>Units</u>
823833	12/17/2008	NO3	DM	21	mg/L	21.5	mg/L
823839	1/7/2009	NO3	DM	21	mg/L	24.3	mg/L
823835	1/7/2009	NO2 + NO3	DM	21	mg/L	24.3	mg/L
823841	1/28/2009	NO3	DM	21	mg/L	22.2	mg/L
823836	1/28/2009	NO2 + NO3	DM	21	mg/L	22.2	mg/L
823840	1/31/2009	NO3	MA	19	mg/L	21.3	mg/L
823837	1/31/2009	NO2 + NO3	MA	19	mg/L	21.325	mg/L
823843	2/4/2009	NO3	DM	21	mg/L	21.6	mg/L
823850	2/4/2009	NO2 + NO3	DM	21	mg/L	21.6	mg/L
823844	2/11/2009	NO3	DM	21	mg/L	22.6	mg/L
823851	2/11/2009	NO2 + NO3	DM	21	mg/L	22.6	mg/L
823845	2/25/2009	NO3	DM	21	mg/L	21.6	mg/L
823852	2/25/2009	NO2 + NO3	DM	21	mg/L	21.6	mg/L
823848	2/28/2009	NO3	MA	21	mg/L	20.6	mg/L
823854	2/28/2009	NO2 + NO3	MA	21	mg/L	20.6	mg/L
844337	3/4/2009	NO3	DM	21	mg/L	22.2	mg/L
844342	3/4/2009	NO2 + NO3	DM	21	mg/L	22.2	mg/L
844338	3/11/2009	NO3	DM	21	mg/L	22.1	mg/L
844343	3/11/2009	NO2 + NO3	DM	21	mg/L	22.1	mg/L
844340	3/25/2009	NO3	DM	21	mg/L	21.9	mg/L
844345	3/25/2009	NO2 + NO3	DM	21	mg/L	21.9	mg/L
844341	3/31/2009	NO3	MA	19	mg/L	21.9	mg/L
844346	3/31/2009	NO2 + NO3	MA	19	mg/L	21.9	mg/L
844350	4/1/2009	NO3	DM	21	mg/L	22.6	mg/L
844355	4/1/2009	NO2 + NO3	DM	21	mg/L	22.6	mg/L
844352	4/15/2009	NO3	DM	21	mg/L	21.5	mg/L
844357	4/15/2009	NO2 + NO3	DM	21	mg/L	21.5	mg/L
844353	4/29/2009	NO3	DM	21	mg/L	22.6	mg/L
844358	4/29/2009	NO2 + NO3	DM	21	mg/L	22.6	mg/L
844354	4/30/2009	NO3	MA	19	mg/L	21.7	mg/L
844359	4/30/2009	NO2 + NO3	MA	19	mg/L	21.7	mg/L
841358	5/13/2009	NO3	DM	21	mg/L	22.7	mg/L
841359	5/13/2009	NO2 + NO3	DM	21	mg/L	22.7	mg/L
841360	5/31/2009	NO3	MA	19	mg/L	19.7	mg/L
841362	5/31/2009	NO2 + NO3	MA	19	mg/L	19.7	mg/L
846205	6/24/2009	NO3	DM	21	mg/L	21.6	mg/L
846206	6/24/2009	NO2 + NO3	DM	21	mg/L	21.6	mg/L
846210	8/24/2009	NO3	DM	21	mg/L	21.8	mg/L
846211	8/24/2009	NO2 + NO3	DM	21	mM	21.8	mg/L
847582	9/9/2009	NH3	DM	2.5	mg/L	5.1	mg/L
847583	9/10/2009	NH3	DM	2.5	mg/L	3.3	mg/L

Exhibit 3- List of Time Schedule Order Violations (by date)

Time Schedule Order R4-2008-0012
 City of Ventura Water Reclamation Facility
 Ventura, California

[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]
<u>Violation</u>	<u>Violation</u>	<u>Constituent</u>	<u>TSO Time</u>	<u>TSO Limit</u>	<u>TSO Limit</u>	<u>Measured</u>	<u>Measured</u>
<u>Number</u>	<u>Date</u>	<u>Name</u>	<u>Limit</u>	<u>Amount</u>	<u>Units</u>	<u>Amount</u>	<u>Units</u>
847584	9/23/2009	NO3	DM	21	mg/L	22.2	mg/L
847586	9/23/2009	NO2 + NO3	DM	21	mg/L	22.2	mg/L
847585	9/30/2009	NO3	DM	21	mg/L	21.7	mg/L
847587	9/30/2009	NO2 + NO3	DM	21	mg/L	22.6	mg/L

Column 3: Constituent Name

NO3- Nitrate

NO2 + NO3- Nitrite plus Nitrate as nitrogen

NH3- Ammonia nitrogen

Column 4: TSO Limit Time Interval

DM- Daily maximum

MA- Monthly average