



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

December 7, 2022

Via Electronic Mail To: Donny.Dominique@ritzcarlton.com

And Via CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7019 1120 0002 0279 1109

Donny Dominique, Director of Engineering
The Ritz Carlton Resort
6900 Estate Great Bay
St. Thomas, Virgin Islands 00802

Re: Notice of Proposed Assessment of a Civil Penalty Class I
The Ritz Carlton Resort
Docket No. CWA-02-2023-3301
TPDES ID No. VI0040479

Dear Mr. Dominique:

Enclosed is a complaint which the U.S. Environmental Protection Agency (“EPA”) is issuing to you as a result of our determination that The Ritz Carlton Resort (“Respondent”) failed to comply with its Territorial Pollutant Discharge Elimination System (“TPDES”) Permit, VI0040479 (the “Permit”), by failing to submit Discharge Monitoring Reports (“DMRs”), in violation of Sections 301 and 402 of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. §§ 1311 and 1342. This Complaint is filed pursuant to the authority of § 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of **\$59,973** be assessed against Respondent for these violations.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after you have had an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint. Enclosed is a copy of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits” (“CROP”) (40 Code of Federal Regulations (C.F.R.) Part 22) which the Agency follows in cases of this kind. Please note the requirements for an Answer at 40 C.F.R. § 22.15. **If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file an Answer within thirty (30) days of your receipt of the enclosed Complaint to the EPA Regional Hearing Clerk at the following address:**

Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor (Room 1631)
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint, you may be judged to have defaulted. See 40 C.F.R. § 22.17. If a default order is entered, the entire proposed penalty may be assessed without further proceedings.

Whether or not you request a formal hearing, you may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement through such informal conference with the Agency. You may represent yourself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone.

Please note that a request for an informal conference does not substitute for a written Answer or affect what you may choose to say in an Answer, nor does it extend the thirty (30) days by which you must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the CROP, including Subpart I thereof.

If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please have your attorney immediately contact:

Christopher Saporita, Assistant Regional Counsel
Office of Regional Counsel, Water and General Law Branch
U.S. Environmental Protection Agency
290 Broadway - 16th Floor
New York, New York 10007-1866
212-637-3203

Or you can contact Justine Modigliani, P.E., Chief, CWA Compliance Section, at (212) 637-4268. We urge your prompt attention to this matter.

Sincerely,

For Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Enclosures

cc w/enclosures (via email):

Christopher Saporita, Office of Regional Counsel, EPA Region 2
Justine Modigliani, Enforcement and Compliance Assurance Division, EPA Region 2
José A. Rivera, Caribbean Environmental Protection Division, EPA Region 2
Yolianne Maclay, Caribbean Environmental Protection Division, EPA Region 2
Karen Maples, Regional Hearing Clerk, EPA Region 2

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866**

IN THE MATTER OF:

The Ritz Carlton Resort
6900 Estate Great Bay
St. Thomas, VI 00802

Respondent

Proceeding to Assess Class I Civil Penalty
Under Section 309(g) of the Clean Water Act

TPDES ID No. VI0040479

**PROCEEDING TO ASSESS A CLASS I CIVIL
PENALTY**

DOCKET No. CWA-02-2023-3301

**ADMINISTRATIVE COMPLAINT
FINDINGS OF VIOLATION, NOTICE OF PROPOSED
ASSESSMENT OF AN ADMINISTRATIVE PENALTY, AND
NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

I. STATEMENT OF AUTHORITY

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“Administrator” or “EPA”) by Section 309(g)(2)(A) of the Clean Water Act (“Act” or “CWA”), 33 U.S.C. § 1319(g)(2)(A). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Enforcement and Compliance Assurance Division (“ECAD”) of EPA, Region 2 (“Complainant”).
2. Pursuant to Section 309(g)(2)(A) of the Act, and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“CROP”), 40 C.F.R. Part 22, a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against The Ritz Carlton Resort (“Respondent”), as a result of Complainant’s determination that Respondent is in violation of Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342, because Respondent failed to comply with the Virgin Islands Department of Planning and Natural Resources (“VIDPNR”) Territorial Pollutant Discharge Elimination System (“TPDES”) permit, VI0040479.

II. APPLICABLE LEGAL REQUIREMENTS

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person from a point source into navigable waters, except in compliance with, among other things, Section 402 of the CWA, 33 U.S.C. § 1342.
2. “Discharge of a pollutant” is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include, among other things, any addition of any pollutant to navigable waters from any point source.
3. “Pollutant” is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include, among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
4. “Person” is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include, among other things, an individual, corporation, partnership, association or municipality.
5. “Point source” is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
6. “Navigable waters” are defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as “waters of the United States, including the territorial seas.” “Waters of the United States” have been further defined to include, among other things, waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce and tributaries of such waters. 40 C.F.R. § 122.2.
7. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), authorizes the Administrator to issue a National Pollutant Discharge Elimination System (“NPDES”) permit for the discharge of any pollutant, or combination of pollutants, notwithstanding the prohibition in Section 301(a) of the CWA, upon the condition that any such discharges will meet the requirements of the CWA and its implementing regulations.
8. “Owner or operator” is defined by 40 C.F.R. § 122.2 as the owner or operator of any “facility or activity” subject to regulation under the NPDES program.
9. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), allows any State, upon application to and approval by EPA, to directly administer the NPDES permitting program. EPA has authorized the VIDPNR to directly administer the NPDES program in The U.S. Virgin Islands. Accordingly, any person who will discharge pollutants from a point source to waters of the United States within the U.S. Virgin Islands must first obtain a VIDPNR TPDES permit and must comply with all of its terms.
10. Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1), authorizes the Administrator, upon a finding that any person has violated, among other things, Section 301(a) of the Act, or has violated

any permit condition or limitation implementing such section in a permit issued under Section 402 of the Act, to assess a civil penalty, and Section 309(g)(2)(A) of the CWA, 33 U.S.C. § 1319(g)(2)(A), as adjusted by 40 C.F.R. § 19.4, authorizes the assessment of a penalty of up to \$23,989 per violation, and not exceeding \$59,973.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Ritz Carlton Resort (“Respondent”) is a corporation, and is, therefore, a “person” pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. Respondent owns and operates the facility located at or near 6900 Estate Great Bay in St. Thomas, U.S. Virgin Islands (the “Facility”).
3. Respondent discharges reverse osmosis brine, a pollutant within the meaning of Sections 502(6) of the CWA, 33 U.S.C. § 1362(6), from Outfall 002, a point source within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to Great Bay, which is a “navigable water” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7). As such, Respondent discharges pollutants within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
4. The VIDPNR, under the authority of Section 402(b) of the CWA, 33 U.S.C. § 1342(b), issued TPDES Permit No. VI0040479 (the “Permit”), which authorizes the discharge of treated wastewater treatment plant (“WWTP”) effluent for land application via Outfall 001 and the discharge of reverse osmosis brine to Great Bay via Outfall 002. The current version of the Permit became effective on June 1, 2019 and is set to expire on May 24, 2024.
5. Prior to June 1, 2019, Respondent had coverage under a previous version of the Permit, which was effective between October 1, 2012 and May 31, 2019. The outfall numbering under this expired version of the Permit differed from that in the current Permit in that Respondent discharged reverse osmosis brine to Great Bay via Outfall 001 and discharged treated WWTP effluent for land application via Outfall 002.
6. Hereinafter in this Complaint, “Outfall 001” refers to the discharge point for treated WWTP effluent for land application, and “Outfall 002” refers to the discharge point for reverse osmosis brine to Great Bay.
7. The Permit requires Respondent to maintain compliance with the effluent limitations, monitoring, and reporting requirements established in Part II of the Permit for Outfalls 001 and 002.
8. Part II.F.2.a of the Permit requires Respondent to submit Discharge Monitoring Reports (“DMRs”) to the U.S. Virgin Islands and EPA electronically in NetDMR no later than the 28th day of the month following the completed reporting period.
9. Based on review of data available to EPA, between January 2018 and November 2022, Respondent failed to submit DMRs for Outfall 002 by the due date and was more than 30 days late for 37 monthly reporting periods and 213 parameters. *See Exhibit 1.*

10. In addition, Respondent failed to sample Outfall 002 as required by the Permit and reported No Data Indicator (“NODI”) “E” (Failed to Sample / Required Analysis Not Conducted) in NetDMR for 5 monthly reporting periods and 18 parameters. *See* Exhibit 2.
11. Furthermore, as of November 1, 2022, Respondent has failed to submit DMRs for Outfall 002 for 5 monthly reporting periods and 28 parameters. *See* Exhibit 3.
12. Based on the foregoing Findings of Fact and Conclusions of Law, Respondent is liable for violations of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342, for failing to comply with the requirements of its TPDES Permit.

IV. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Based on the foregoing findings, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the Debt Collection Improvement Act of 1996, EPA, Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties (“Final Order”) to Respondent assessing a penalty of **\$59,973**. EPA determined the proposed penalty after taking into account the applicable factors identified at Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). EPA has taken account of the nature, circumstances, extent and gravity of the violations, and Respondent’s prior compliance history, degree of culpability, economic benefit or savings accruing to Respondent by virtue of the violations, and Respondent’s ability to pay the proposed penalty. EPA may issue the Final Order Assessing Administrative Penalties thirty (30) days after Respondent’s receipt of this Notice, unless Respondent files an Answer to this Complaint within that time and requests a hearing on this Notice pursuant to the following section.

V. PROCEDURES GOVERNING THIS ADMINISTRATIVE ACTION

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering The Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007-1866**

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a). Respondent’s Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which the Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent

lacks knowledge of a particular factual allegation and so state in the Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), (3) the basis for opposing the proposed relief, and (4) whether Respondent requests a hearing. 40 C.F.R. § 22.15(b).

Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of a defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity To Request A Hearing

If requested by Respondent in its Answer, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If, however, Respondent does not request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of the CROP, at 40 C.F.R. §§ 22.21-22.26.

Should Respondent request a hearing on this proposed penalty assessment, members of the public to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should Respondent not request a hearing, EPA will issue a Final Order, and only members of the public who submit timely comment on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a hearing thereon. EPA will grant the petition and will hold a hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

C. Failure To Answer

If Respondent fails in any Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure will constitute an admission of any such allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely Answer to the Complaint (i.e., not in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)), Respondent may be found to be in default upon motion by Complainant. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. § 22.17(a). If Respondent is found to be in default, the Presiding Officer may issue a default order assessing the proposed penalty. *See* 40 C.F.R. § 22.17(c).

Any penalty assessed in a default order shall become due and payable by Respondent without further proceedings thirty (30) days after the default order becomes final. 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce the final default order against Respondent, and to collect the assessed penalty amount, in federal court.

VI. INFORMAL SETTLEMENT CONFERENCE

Regardless of whether Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b)(1). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information they believe to be relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to the amount of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise. Note that no penalty reduction will be made simply because an informal settlement conference is held.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, in response to any relevant information previously not known to Complainant that demonstrates that any of the findings herein are without merit, or that the proposed penalty is not warranted. *See* 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

Christopher Saporita, Assistant Regional Counsel
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
Telephone: 212-637-3203

The parties may engage in settlement discussions regardless of whether Respondent has requested a hearing. 40 C.F.R. § 22.18(b)(1). Respondent's request for a formal hearing does not prevent Respondent from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint.

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3). In accepting the Consent Agreement, Respondent waives any right to contest the allegations in the Complaint and waive any right to appeal the Final Order. 40 C.F.R. § 22.18(b)(2).

Entering into a settlement through the signing of such Consent Agreement and complying with the terms and conditions set forth in such Consent Agreement and Final Order terminates this administrative litigation and these civil proceedings against Respondent. Entering into a settlement agreement does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and

responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance, and EPA may initiate a separate enforcement action based on evidence of new or continuing violations.

VII. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty, **\$59,973**, within thirty (30) days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. § 22.18(a). A copy of the check or other instrument of payment should be provided to the EPA attorney identified in Section VI above. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America", in the full amount of the penalty assessed in this Complaint to the following addressee:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Docket No. CWA-02-2023-3301

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency".

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order pursuant to 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.45(c)(3), no Final Order shall be issued until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance, and EPA may initiate a separate enforcement action based on evidence of new or continuing violations.

VIII. FILING OF DOCUMENTS

The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to and e-mailed to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
Maples.Karen@epa.gov

A copy of the Answer, any Hearing Request, and all subsequent documents filed in this action shall be mailed or e-mailed to:

Christopher Saporita, Assistant Regional Counsel
Office of Regional Counsel, Water and General Law Branch
U.S. Environmental Protection Agency
290 Broadway - 16th Floor
New York, New York 10007-1866
212-637-3203
Saporita.Christopher@epa.gov

IX. GENERAL PROVISIONS

1. Respondent has a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated there under, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act will affect Respondent's continuing obligation to comply with the Act, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

ISSUED THIS 7th DAY OF December, 2022.

For _____
Dore LaPosta, Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

Exhibit 1. Outfall 002 DMRs received greater than 30 days late

	Monitoring Period	DMR Received Date	Parameter	Value Type	Violation Code*	Lateness	
1	Jan-2018	8/11/2018	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	136 Days Late	
	Jan-2018	8/11/2018	00400 - pH	Concentration Maximum	D90	136 Days Late	
	Jan-2018	8/11/2018	00400 - pH	Concentration Minimum	D90	136 Days Late	
	Jan-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	136 Days Late	
	Jan-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	136 Days Late	
2	Feb-2018	8/11/2018	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	105 Days Late	
	Feb-2018	8/11/2018	00400 - pH	Concentration Maximum	D90	105 Days Late	
	Feb-2018	8/11/2018	00400 - pH	Concentration Minimum	D90	105 Days Late	
	Feb-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	105 Days Late	
	Feb-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	105 Days Late	
3	Mar-2018	8/11/2018	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	75 Days Late	
	Mar-2018	8/11/2018	00400 - pH	Concentration Maximum	D90	75 Days Late	
	Mar-2018	8/11/2018	00400 - pH	Concentration Minimum	D90	75 Days Late	
	Mar-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	75 Days Late	
	Mar-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	75 Days Late	
4	Apr-2018	8/11/2018	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	44 Days Late	
	Apr-2018	8/11/2018	00400 - pH	Concentration Maximum	D90	44 Days Late	
	Apr-2018	8/11/2018	00400 - pH	Concentration Minimum	D90	44 Days Late	
	Apr-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	44 Days Late	
	Apr-2018	8/11/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	44 Days Late	
5	Aug-2018	2/10/2019	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	105 Days Late	
	Aug-2018	2/10/2019	00400 - pH	Concentration Maximum	D90	105 Days Late	
	Aug-2018	2/10/2019	00400 - pH	Concentration Minimum	D90	105 Days Late	
	Aug-2018	2/10/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	105 Days Late	
	Aug-2018	2/10/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	105 Days Late	
6	Sep-2018	2/10/2019	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	74 Days Late	
	Sep-2018	2/10/2019	00400 - pH	Concentration Maximum	D90	74 Days Late	
	Sep-2018	2/10/2019	00400 - pH	Concentration Minimum	D90	74 Days Late	
	Sep-2018	2/10/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	74 Days Late	
	Sep-2018	2/10/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	74 Days Late	
7	Oct-2018	2/10/2019	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	44 Days Late	
	Oct-2018	2/10/2019	00400 - pH	Concentration Maximum	D90	44 Days Late	
	Oct-2018	2/10/2019	00400 - pH	Concentration Minimum	D90	44 Days Late	
	Oct-2018	2/10/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	44 Days Late	
	Oct-2018	2/10/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	44 Days Late	
8	Feb-2019	9/12/2019	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	137 Days Late	
	9	Mar-2019	2/25/2020	00480 - Salinity	Concentration Maximum	D80	303 Days Late
		Mar-2019	2/25/2020	00556 - Oil & Grease	Concentration Maximum	D80	303 Days Late
		Mar-2019	2/25/2020	70300 - Solids, total dissolved- 180 deg. C	Concentration Maximum	D80	303 Days Late
		Mar-2019	2/26/2020	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	274 Days Late
Mar-2019		2/26/2020	00400 - pH	Concentration Maximum	D90	274 Days Late	
10	Mar-2019	2/26/2020	00400 - pH	Concentration Minimum	D90	274 Days Late	
	Mar-2019	2/26/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	274 Days Late	
	Mar-2019	2/26/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	274 Days Late	
	Apr-2019	2/24/2020	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	241 Days Late	
	Apr-2019	2/24/2020	00400 - pH	Concentration Maximum	D90	241 Days Late	
11	Apr-2019	2/24/2020	00400 - pH	Concentration Minimum	D90	241 Days Late	
	Apr-2019	2/24/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	241 Days Late	
	Apr-2019	2/24/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	241 Days Late	
	May-2019	2/26/2020	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	213 Days Late	
	May-2019	2/26/2020	00400 - pH	Concentration Maximum	D90	213 Days Late	
12	May-2019	2/26/2020	00400 - pH	Concentration Minimum	D90	213 Days Late	
	May-2019	2/26/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	213 Days Late	
	May-2019	2/26/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	213 Days Late	
	Jun-2019	2/26/2020	00010 - Temperature, water deg. centigrade	Concentration Maximum	E90	213 Days Late	
	Jun-2019	2/26/2020	00556 - Oil & Grease	Concentration Maximum	D80	213 Days Late	
13	Jun-2019	2/26/2020	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	213 Days Late	
	Jun-2019	2/26/2020	00400 - pH	Concentration Maximum	D90	213 Days Late	
	Jun-2019	2/26/2020	00400 - pH	Concentration Minimum	D90	213 Days Late	
	Jun-2019	2/26/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	213 Days Late	
	Jun-2019	2/26/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	213 Days Late	
14	Jul-2019	2/25/2020	00556 - Oil & Grease	Concentration Maximum	D80	181 Days Late	
	Jul-2019	2/25/2020	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	181 Days Late	
	Jul-2019	2/25/2020	00400 - pH	Concentration Maximum	D90	181 Days Late	
	Jul-2019	2/25/2020	00400 - pH	Concentration Minimum	D90	181 Days Late	
	Jul-2019	2/25/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	181 Days Late	
14	Aug-2019	2/25/2020	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	181 Days Late	
	Aug-2019	2/24/2020	00556 - Oil & Grease	Concentration Maximum	D80	150 Days Late	
	Aug-2019	2/24/2020	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	149 Days Late	
	Aug-2019	2/24/2020	00400 - pH	Concentration Maximum	D90	149 Days Late	
	Aug-2019	2/24/2020	00400 - pH	Concentration Minimum	D90	149 Days Late	

	Oct-2020	1/9/2021	00400 - pH	Concentration Minimum	D90	42 Days Late
	Oct-2020	1/9/2021	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	42 Days Late
	Oct-2020	1/9/2021	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	42 Days Late
27	Dec-2020	3/6/2021	00556 - Oil & Grease	Concentration Maximum	D80	37 Days Late
	Dec-2020	3/6/2021	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	37 Days Late
	Dec-2020	3/6/2021	00400 - pH	Concentration Maximum	D90	37 Days Late
	Dec-2020	3/6/2021	00400 - pH	Concentration Minimum	D90	37 Days Late
	Dec-2020	3/6/2021	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	37 Days Late
	Dec-2020	3/6/2021	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	37 Days Late
28	Feb-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	290 Days Late
	Feb-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	290 Days Late
	Feb-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	290 Days Late
	Feb-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	290 Days Late
	Feb-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	290 Days Late
	Feb-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	290 Days Late
29	Mar-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	259 Days Late
	Mar-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	259 Days Late
	Mar-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	259 Days Late
	Mar-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	259 Days Late
	Mar-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	259 Days Late
	Mar-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	259 Days Late
30	Apr-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	229 Days Late
	Apr-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	229 Days Late
	Apr-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	229 Days Late
	Apr-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	229 Days Late
	Apr-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	229 Days Late
	Apr-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	229 Days Late
31	May-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	198 Days Late
	May-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	198 Days Late
	May-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	198 Days Late
	May-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	198 Days Late
	May-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	198 Days Late
	May-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	198 Days Late
32	Jun-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	168 Days Late
	Jun-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	168 Days Late
	Jun-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	168 Days Late
	Jun-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	168 Days Late
	Jun-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	168 Days Late
	Jun-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	168 Days Late
33	Jul-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	137 Days Late
	Jul-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	137 Days Late
	Jul-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	137 Days Late
	Jul-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	137 Days Late
	Jul-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	137 Days Late
	Jul-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	137 Days Late
34	Aug-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	106 Days Late
	Aug-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	106 Days Late
	Aug-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	106 Days Late
	Aug-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	106 Days Late
	Aug-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	106 Days Late
	Aug-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	106 Days Late
35	Sep-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	76 Days Late
	Sep-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	76 Days Late
	Sep-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	76 Days Late
	Sep-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	76 Days Late
	Sep-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	76 Days Late
	Sep-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	76 Days Late
36	Oct-2021	1/12/2022	00556 - Oil & Grease	Concentration Maximum	D80	45 Days Late
	Oct-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	45 Days Late
	Oct-2021	1/12/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	45 Days Late
	Oct-2021	1/12/2022	00400 - pH	Concentration Maximum	D90	45 Days Late
	Oct-2021	1/12/2022	00400 - pH	Concentration Minimum	D90	45 Days Late
	Oct-2021	1/12/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	45 Days Late
37	Feb-2022	5/5/2022	00556 - Oil & Grease	Concentration Maximum	D80	38 Days Late
	Feb-2022	5/5/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	38 Days Late
	Feb-2022	5/5/2022	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	38 Days Late
	Feb-2022	5/5/2022	00400 - pH	Concentration Maximum	D90	38 Days Late
	Feb-2022	5/5/2022	00400 - pH	Concentration Minimum	D90	38 Days Late
	Feb-2022	5/5/2022	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	38 Days Late

*D80 - Required monitoring DMR value overdue; D90 - Limited value overdue

Exhibit 2. Outfall 002 DMRs with NODI Code - E (Failed to Sample/Required Analysis Not Conducted)

	<u>Monitoring Period</u>	<u>DMR Received Date</u>	<u>Parameter</u>	<u>Value Type</u>	<u>Violation Code*</u>	<u>Reported Value</u>
1	Mar-2018	8/11/2018	00480 - Salinity	Concentration Maximum	D80	No Data Code - E
	Mar-2018	8/11/2018	00556 - Oil & Grease	Concentration Maximum	D80	No Data Code - E
	Mar-2018	8/11/2018	70300 - Solids, total dissolved- 180 deg. C	Concentration Maximum	D80	No Data Code - E
2	Jun-2018	7/18/2018	00480 - Salinity	Concentration Maximum	D80	No Data Code - E
	Jun-2018	7/18/2018	00556 - Oil & Grease	Concentration Maximum	D80	No Data Code - E
	Jun-2018	7/18/2018	70300 - Solids, total dissolved- 180 deg. C	Concentration Maximum	D80	No Data Code - E
	Jun-2018	7/18/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	No Data Code - E
	Jun-2018	7/18/2018	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	No Data Code - E
3	Sep-2018	2/10/2019	00480 - Salinity	Concentration Maximum	D80	No Data Code - E
	Sep-2018	2/10/2019	00556 - Oil & Grease	Concentration Maximum	D80	No Data Code - E
	Sep-2018	2/10/2019	70300 - Solids, total dissolved- 180 deg. C	Concentration Maximum	D80	No Data Code - E
4	Dec-2018	2/10/2019	00480 - Salinity	Concentration Maximum	D80	No Data Code - E
	Dec-2018	2/10/2019	00556 - Oil & Grease	Concentration Maximum	D80	No Data Code - E
	Dec-2018	2/10/2019	70300 - Solids, total dissolved- 180 deg. C	Concentration Maximum	D80	No Data Code - E
5	Feb-2019	9/12/2019	00400 - pH	Concentration Maximum	D90	No Data Code - E
	Feb-2019	9/12/2019	00400 - pH	Concentration Minimum	D90	No Data Code - E
	Feb-2019	9/12/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D90	No Data Code - E
	Feb-2019	9/12/2019	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	No Data Code - E

*D80 - Required monitoring DMR value overdue; D90 - Limited value overdue

Exhibit 3. Outfall 002 DMRs that have not been submitted as of 11/1/2022

	<u>Monitoring Period</u>	<u>DMR Received Date</u>	<u>Parameter</u>	<u>Value Type</u>	<u>Violation Code*</u>	<u>Lateness as of 11/1/2022</u>
1	May-2021	-	00480 - Salinity	Concentration Maximum	D80	461 Days Late
	May-2021	-	70295 - Solids, total dissolved	Concentration Maximum	D80	461 Days Late
2	Apr-2022	-	00556 - Oil & Grease	Concentration Maximum	D80	126 Days Late
	Apr-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	126 Days Late
	Apr-2022	-	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	126 Days Late
	Apr-2022	-	00400 - pH	Concentration Maximum	D90	126 Days Late
	Apr-2022	-	00400 - pH	Concentration Minimum	D90	126 Days Late
	Apr-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	126 Days Late
3	May-2022	-	00480 - Salinity	Concentration Maximum	D80	96 Days Late
	May-2022	-	00556 - Oil & Grease	Concentration Maximum	D80	96 Days Late
	May-2022	-	70295 - Solids, total dissolved	Concentration Maximum	D80	96 Days Late
	May-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	96 Days Late
	May-2022	-	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	96 Days Late
	May-2022	-	00400 - pH	Concentration Maximum	D90	96 Days Late
	May-2022	-	00400 - pH	Concentration Minimum	D90	96 Days Late
	May-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	96 Days Late
4	Jun-2022	-	00556 - Oil & Grease	Concentration Maximum	D80	65 Days Late
	Jun-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	65 Days Late
	Jun-2022	-	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	65 Days Late
	Jun-2022	-	00400 - pH	Concentration Maximum	D90	65 Days Late
	Jun-2022	-	00400 - pH	Concentration Minimum	D90	65 Days Late
	Jun-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	65 Days Late
5	Jul-2022	-	00556 - Oil & Grease	Concentration Maximum	D80	34 Days Late
	Jul-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Average	D80	34 Days Late
	Jul-2022	-	00010 - Temperature, water deg. centigrade	Concentration Maximum	D90	34 Days Late
	Jul-2022	-	00400 - pH	Concentration Maximum	D90	34 Days Late
	Jul-2022	-	00400 - pH	Concentration Minimum	D90	34 Days Late
	Jul-2022	-	50050 - Flow, in conduit or thru treatment plant	Quantity Maximum	D90	34 Days Late

*D80 - Required monitoring DMR value overdue; D90 - Limited value overdue