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UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

In re:

CITY OF STOCKTON, CALIFORNIA,

Debtor.

COALITION FOR A SUSTAINABLE DELTA, BELRIDGE WATER STORAGE DISTRICT, BERRENDA MESA WATER DISTRICT, CAWELO WATER DISTRICT, NORTH OF THE RIVER MUNICIPAL WATER DISTRICT, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT, AND DEE DILLON,

Movants,

v.

CITY OF STOCKTON, CALIFORNIA,

Respondent.

Case No. 2012-32118

Chapter 9

DC No. BB-001

EXHIBIT IN SUPPORT OF MOTION OF THE COALITION FOR A SUSTAINABLE DELTA AND OTHER PARTIES FOR LIMITED RELIEF FROM AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(d)(1)

Date: July 1, 2014
Time: 9:30 a.m.
Location: U.S. Bankruptcy Court
Sacramento Division
501 I Street, 6th Floor
Courtroom 35
Judge: Christopher M. Klein

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EXHIBIT NO.	DOCUMENT TITLE	PAGE NO.
A	Complaint for Declaratory and Injunctive Relief and Civil Penalties; and Exhibit 1 thereto	3-95

Date: June 12, 2014

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By: _____
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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

COALITION FOR A SUSTAINABLE DELTA, a California nonprofit corporation, BELRIDGE WATER STORAGE DISTRICT, a California Water Storage District, BERRENDA MESA WATER DISTRICT, a California Water District, CAWELO WATER DISTRICT, a California Water District, NORTH OF THE RIVER MUNICIPAL WATER DISTRICT, a California Municipal Water District, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT, a California Water Storage District, and DEE DILLON, an individual,

Plaintiffs,

v.

CITY OF STOCKTON, a municipal corporation, and COUNTY OF SAN JOAQUIN, a political subdivision of the State of California,

Defendants.

Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES

(Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*; Endangered Species Act, 16 U.S.C. §§ 1531 *et seq.*)

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Exhibit A

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JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action. The Clean Water Act, 33 U.S.C. §§ 1311 *et seq.*, ("CWA") provides federal district courts with jurisdiction over CWA actions brought by citizens. 33 U.S.C. § 1365(a). Similarly, the Endangered Species Act, 16 U.S.C. §§ 1531 *et seq.*, ("ESA") provides federal courts with jurisdiction over ESA actions brought by citizens. 16 U.S.C. § 1540(g). Furthermore, federal district courts are conferred original jurisdiction over civil actions arising under federal law, including the CWA and ESA. 28 U.S.C. §1331.

2. Notice of the violations subject to this Complaint was provided on October 17, 2008, by certified mail, return receipt requested, to: the City of Stockton City Council; Edward J. Chavez, City of Stockton Mayor; Mark Madison, City of Stockton Director of Municipal Utilities; the San Joaquin County Board of Supervisors; Manuel Lopez, San Joaquin County Administrator; Thomas R. Flinn, San Joaquin County Public Works Director; Rick E. Nosky, Jr., City of Stockton City Attorney; David E. Wooten, San Joaquin County Counsel; Dorothy Rice, California State Water Resources Control Board Executive Director; Pamela Creedon, California Central Valley Regional Water Quality Control Board Executive Officer; Linda Adams, Secretary for Environmental Protection; Stephen L. Johnson, U.S. Environmental Protection Agency Administrator; Wayne Nastri, U.S. Environmental Protection Agency Region 9 Administrator; Michael B. Mukasey, United States Attorney General; Dirk Kempthorne, United States Secretary of the Interior; and Carlos M. Gutierrez, United States Secretary of Commerce, in accordance with applicable requirements ("Notice Letter"). *See* 33 U.S.C. § 1365(b), 40 C.F.R. § 135.2(a)(2), and 16 U.S.C. § 1540(g)(2). A true and correct copy of the Notice Letter is attached hereto at Exhibit 1.

3. Over sixty days have passed since the Notice Letter was sent to the Defendants and other individuals indicated above.

4. As of the date this Complaint has been filed, no state or federal agency has commenced and is diligently prosecuting a civil or criminal action to require compliance with the standards, limitations or orders that are the subject of this action.

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5. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to this action occurred in this judicial district, 33 U.S.C. § 1365(c)(1), with respect to the CWA causes of action because the sources of the discharges that are the subject of this action are located in this judicial district, and 16 U.S.C. § 1540(g)(3)(A), with respect to the ESA causes of action because the ESA violations occurred in this judicial district.

6. Intradistrict assignment of this matter to the Sacramento Division is proper because the events or omissions giving rise to this action occurred in San Joaquin County. Civil Local Rule 3-120(d). No event or omission giving rise to the claims herein occurred in any other Division of this Court.

INTRODUCTION

7. For far too long, illegal stormwater and other illicit discharges from the City of Stockton and San Joaquin County municipal separate storm sewer system ("MS4") have significantly impacted the quality of the Sacramento-San Joaquin Delta ("Delta"). Among other things, those impacts have resulted in water quality degradation, and in turn, reduction in populations of various species, including species protected as endangered or threatened under the ESA.

8. The Delta's health is crucial to the water supply of the State of California, as, among other things, it is a critical link in both the State Water Project ("SWP") and the Central Valley Project ("CVP"), both of which deliver water to urban, agricultural, and industrial water users throughout the state. The Delta "is one of the most important water and natural resources in the state of California. The Delta serves as a source of domestic water supply for approximately 23 million people in the State and irrigation water for several million acres of farm land. The Delta is also an important area for recreation, fisheries, and other activities." *Comments on and Request for Additional Information for the City of Stockton and San Joaquin County Storm Water Management Plan for the Municipal Separate Storm Sewer System (MS4) Permit, Order No. RS-007-0173, San Joaquin County*, from William J. Marshall, Storm Water, Water Quality Certification and Landfill Permitting Section Chief, Central Valley Regional Water Quality

Control Board, to Mark Madison, City of Stockton Department of Municipal Utilities Director and Thomas M. Gau, County of San Joaquin Chief Deputy Director of Public Works (November 7, 2008) ("SWMP Comment Letter"), at 1.

9. The Delta is the largest estuary (coastal area where fresh water from rivers mixes with ocean water) on the West Coast, comprising more than 738,000 acres. The Delta's major source of fresh water comes from the Sacramento and San Joaquin Rivers. The Delta also provides habitat for many species of fish, birds, mammals and plants, supports agricultural and recreational activities, and is the focal point for water distribution throughout the state. California Department of Water Resources, *Sacramento San Joaquin Delta Overview*, at 2; State Water Resources Control Board, *et al.*, *Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (July 2008) ("Strategic Workplan"), at 23.

10. For more than a century, the Delta has been dramatically affected by human activities, ranging from the introduction of invasive species to urbanization, that collectively pose a threat to the Delta ecosystem. Contaminants associated with urban runoff in the Delta impair wildlife and aquatic life, drinking water, and agricultural beneficial uses. The introduction of such contaminants in water and sediment affects aquatic plant and animal species directly through toxicity that results in mortality, or indirectly by reducing habitat suitability, food supply, and the fitness of individual organisms. *Strategic Workplan,* at 25.

11. Contaminants illegally introduced to the Delta from stormwater and other illicit discharges such as those that are the subject of this action play a substantial role in the degradation of the Delta water quality and impacts on species that reside in and use the Delta.

12. In recognition of the impacts of stormwater discharges, Congress, through the CWA, expressly prohibited such discharges unless otherwise authorized in accordance with the CWA.

13. Defendants City of Stockton and San Joaquin County, as co-permittees, were issued permits by the California Regional Water Quality Control Board, Central Valley Region ("CVRWQCB"), that allow discharges from their MS4 only under certain conditions, and with specific limitations and conditions. *See Waste Discharge Requirements – City of Stockton and*

County of San Joaquin Storm Water Discharges from Municipal Separate Storm Sewer System San Joaquin County, Central Valley Regional Water Quality Control Board Order No. R5-2002-0181, NPDES No. CAS083470 (the "2002 Permit"); and *Waste Discharge Requirements – City of Stockton and County of San Joaquin Storm Water Discharges from Municipal Separate Storm Sewer System San Joaquin County,* Central Valley Regional Water Quality Control Board Order No. R5-2007-0173, NPDES No. CAS083470 (the "2007 Permit") (the 2002 Permit and 2007 Permit collectively are referred to as the "MS4 Permits").

14. Notwithstanding those conditions and limitations, Defendants have over the course of many years consistently violated, and continue to violate, their MS4 Permits and the CWA. Those violations have also resulted in the "take" of certain species – the delta smelt, the Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, and the Central Valley steelhead (the "Listed Species") – in violation of the ESA.

15. According to the California agency directly responsible for control of the City and County's MS4 discharges, "it is recognized that the Delta is in a resource management crisis. Due to the close proximity to the Delta, *the City and County waterways have an immediate impact on water quality." SWMP Comment Letter*, at 1 (emphasis added). Indeed the agency "considers storm water discharges from the Stockton Urbanized Area to be significant sources of pollutants." 2007 Permit, at 20. More specifically, "[p]olluted storm water runoff is a leading cause of water quality impairment in the Stockton-San Joaquin-Delta Area . . . ." *Id.*, at 2.

16. This lawsuit is brought by parties affected by those impacts and pollutants, and represents a significant step in restoring the Delta water quality and its associated species and habitat. Defendants, now acting under a third generation permit, have for over a decade been discharging pollutants through the MS4 without any meaningful progress. Business as usual can no longer be deemed acceptable.

PARTIES

17. Plaintiff Coalition for a Sustainable Delta ("Coalition") is a California nonprofit corporation comprised of agricultural and municipal and industrial ("M&I") water users and individuals in the San Joaquin Valley. The Coalition is bringing this action on behalf of both

itself and its members. The Coalition and its members depend on water from the Delta. That water is essential to their livelihood and economic well-being. In addition to their direct economic interest in the Delta and its water quality, the Coalition and its members are dedicated to protecting the Delta and committed to promoting a strategy to ensure its sustainability. The purpose of the Coalition is to advance the interests of its members, including to (1) better the conditions of those engaged in agricultural pursuits in the San Joaquin Valley, and (2) ensure a sustainable and reliable water supply by protecting the Delta and promoting a strategy to ensure its sustainability, thereby improving the grade of agricultural products and developing a higher degree of efficiency in agricultural operations. *See Bylaws of Coalition for a Sustainable Delta, A California Nonprofit Mutual Benefit Corporation,* Art. I § 1; *Articles of Incorporation of Coalition for a Sustainable Delta, A California Nonprofit Mutual Benefit Corporation,* Art. II § B (September 18, 2007). *See generally* Coalition for a Sustainable Delta website at http://www.sustainabledelta.com/p-about.html.

18. Furthermore, Coalition members recreate and/or visit in and around the Delta. Coalition members use and enjoy the waters into which the Defendants are illegally discharging pollutants and effecting "take" of the Listed Species. Coalition members derive significant use and enjoyment from the aesthetic, recreational and conservation benefits of the Delta ecosystem, including boating, fishing and wildlife viewing. The Defendants' illegal discharge of pollutants and other violations of their MS4 permit, and the resulting detrimental effects of those discharges on water quality, the Delta ecosystem, and the Listed Species, impairs each of these uses. In addition, Defendants' CWA and ESA violations have injured the Coalition members by resulting in reduced water availability and deliveries and by degrading the quality of the water used by Coalition members. The Coalition's members have been and will continue to be adversely affected by Defendants' polluted discharges in violation of the CWA and ESA until Defendants cease their illegal discharges and other acts of noncompliance with their MS4 Permit. Participation of individual Coalition members in this action is not necessary because the Coalition's members would otherwise have standing to sue in their own right; the interests the Coalition seeks to protect are germane to the organization's purpose; and neither the claim

asserted nor the relief requested requires the participation of individual members in this lawsuit.

19. Plaintiff Belridge Water Storage District ("BWSD") is a California Water Storage District organized and existing under and by virtue of the provisions of Division 14 of the California Water Code. The BWSD encompasses approximately 93,000 acres of land in Kern County. The BWSD provides SWP water to land within its boundaries through a contract with the Kern County Water Agency ("KCWA"). The BWSD depends on SWP deliveries from the Delta to the San Joaquin Valley for its water supply. The continued operation of the SWP, in turn, is dependent on the overall health of the Delta and its ecosystem, which includes maintenance of water quality and viable populations of species living in the Delta, including the Listed Species.

20. Defendants' CWA and ESA violations have injured BWSD by resulting in reduced water availability and deliveries and by degrading the quality of the water used by BWSD. Such injuries will continue as long as Defendants continue to violate the CWA and ESA.

21. Plaintiff Berrenda Mesa Water District ("BMWD") is a California Water District organized and existing under and by virtue of the provisions of Division 13, Section 3400, of the California Water Code. The BMWD encompasses approximately 55,000 acres of land in Kern County. The BMWD provides SWP water to land within its boundaries through a contract with the KCWA. The BMWD depends on SWP deliveries from the Delta to the San Joaquin Valley for its water supply. The continued operation of the SWP, in turn, is dependent on the overall health of the Delta and its ecosystem, which includes maintenance of water quality and viable populations of species living in the Delta, including the Listed Species.

22. Defendants' CWA and ESA violations have injured BMWD by resulting in reduced water availability and deliveries and by degrading the quality of the water used by BMWD. Such injuries will continue as long as Defendants continue to violate the CWA and ESA.

23. Plaintiff Cawelo Water District ("CWD") is a California Water District organized and existing under and by virtue of the provisions of Division 13, Section 3400, of the California

Water Code. The CWD encompasses at least 33,000 acres of land in Kern County. The CWD provides SWP water to land within its boundaries through a contract with the KCWA. The CWD depends on SWP deliveries from the Delta to the San Joaquin Valley for portions of its water supply. The continued operation of the SWP, in turn, is dependent on the overall health of the Delta and its ecosystem, which includes maintenance of water quality and viable populations of species living in the Delta, including the Listed Species.

24. Defendants' CWA and ESA violations have injured CWD by resulting in reduced water availability and deliveries and by degrading the quality of the water used by CWD. Such injuries will continue as long as Defendants continue to violate the CWA and ESA.

25. Plaintiff North of the River Municipal Water District ("NORMWD") is a California Municipal Water District organized and existing under and by virtue of the provisions of Division 20, Section 71000 of the California Water Code. The NORMWD encompasses approximately 12,800 acres of land in Kern County. The NORMWD provides SWP water to land within its boundaries through a contract with the KCWA. The NORMWD depends on SWP deliveries from the Delta to the San Joaquin Valley for its water supply. The continued operation of the SWP, in turn, is dependent on the overall health of the Delta and its ecosystem, which includes maintenance of water quality and viable populations of species living in the Delta, including the Listed Species.

26. Defendants' CWA and ESA violations have injured NORMWD by resulting in reduced water availability and deliveries and by degrading the quality of the water used by NORMWD. Such injuries will continue as long as Defendants continue to violate the CWA and ESA.

27. Plaintiff Wheeler Ridge-Maricopa Water Storage District ("WRMWSD") is a California Water Storage District organized and existing under and by virtue of Division 14 of the California Water Code. The WRMWSD encompasses approximately 147,000 acres of land in Kern County. The WRMWSD provides SWP water to agricultural land within its boundaries through a contract with the KCWA. The WRMWSD depends on SWP deliveries from the Delta to the San Joaquin Valley for its water supply. The continued operation of the SWP, in turn, is

dependent on the overall health of the Delta and its ecosystem, which includes maintenance of water quality and viable populations of species living in the Delta, including the Listed Species.

28. Defendants' CWA and ESA violations have injured WRMWSD by resulting in reduced water availability and deliveries and by degrading the quality of the water used by WRMWSD. Such injuries will continue as long as Defendants continue to violate the CWA and ESA.

29. Plaintiffs BWSD, BMWD, CWD, NORMWD and WRMWSD are collectively referred to herein as the "Water Districts."

30. Coalition members have contracts with and/or receive water from their individual water districts and the Water Districts have contracts with KCWA for the delivery of SWP water. Coalition members and the Water Districts depend on SWP deliveries from the Delta to the San Joaquin Valley for their water supply, and rely on the quality of that water being consistent with water quality standards established under state and federal law.

31. Contaminants discharged by Defendants to the Delta significantly and adversely impact the Listed Species. As a result, Defendants' ESA violations have directly resulted, in part, in reduced water availability and delivery, could in the near-term contribute to yet additional reductions and deliveries, and will in the future continue to impede water deliveries and availability.

32. Defendants' ESA violations have significant economic and contractual impacts on members of the Coalition and each of the Water Districts because those violations have resulted in deliveries of SWP water in amounts far less than otherwise contracted for. They also threaten the livelihood of Coalition members. Certain Coalition members and Water Districts' contracts for delivery of SWP water require payment for their full contractual entitlement regardless of the amount of water actually delivered through the SWP in any given year. Further, because Coalition members require water for irrigation of their crops, reduced deliveries of surface water through the SWP is likely to result in increased reliance on groundwater for irrigation supplies, which in turn will result in overdraft of the groundwater basins that underlie the land of Coalition members. Some Coalition members' lands do not overlie usable groundwater. Reduced

deliveries of surface water through the SWP to those members are likely to result in the need to purchase costly alternative surface water supplies or to practice deficit irrigation methods that are detrimental to crops.

33. Plaintiff Dee Dillon is an individual and is also a member of the Coalition. In the past five years, Mr. Dillon has visited the Delta with his family at least 200 times to appreciate the natural environment, escape from the urban environment, and engage in various recreational and conservation activities, including recreational boating, swimming, fishing, and wildlife viewing in the Delta. Mr. Dillon is an avid fisherman, and he fishes for salmon and other species in the Delta. Mr. Dillon also photographs Delta wildlife and enjoys viewing the Delta's salmon run. Mr. Dillon has fished and boated in other inland and ocean waters, and he considers the Delta ecosystem to be unique. He is deeply concerned about the Delta's health and decline, which he has witnessed and experienced first-hand. The degradation of water quality and the decline of Listed Species resulting from Defendants' actions and/or omissions have impaired Mr. Dillon's use and enjoyment of the Delta's aesthetic, recreational and conservation benefits.

34. Defendant City of Stockton is a California municipal corporation. Defendant City of Stockton is a co-permittee on the MS4 Permits.

35. Defendant County of San Joaquin is a political subdivision of the State of California. Defendant County of San Joaquin is a co-permittee on the MS4 Permits.

STATUTORY BACKGROUND

A. Clean Water Act

1. Generally

36. Congress passed the CWA to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). Congress declared that to achieve that overwhelming objective, "it is the National goal that wherever attainable, an interim goal of water quality which provides for protection and propagation of fish, shellfish and wildlife provides for recreation in and on the water to be achieved by July 1, 1983." *Id.* §1251(a)(2).

37. The heart of the CWA is section 301, which prohibits the discharge of any pollutant, from any person, unless specifically authorized under the Act. *Id.* §1311(a). Both

Defendants Stockton and San Joaquin are each a "person" for purposes of the CWA. See *id.* § 1362(5). "Discharge of a pollutant" means, among other things, "any addition of any pollutant to navigable waters from any point source . . . ." *Id.* § 1362(12)(A). "Navigable waters" are those "waters of the United States." *Id.* § 1362(7). The term "point source" means "any discernible, confined and discrete conveyance." *Id.* § 1362(14).

38. Discharges of pollutants may be permitted if made in accordance with permits issued under the National Pollutant Discharge Elimination System ("NPDES Permits"). *Id.* §§ 1311(a), 1342. NPDES Permit authorization for discharges from MS4s are addressed in section 402(p) of the Act, and specifies, among other things, that such MS4 permits (a) must include a requirement "to effectively prohibit non-stormwater discharges," and (b) shall require controls "to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." *Id.* § 1342(p)(3).

39. In accordance with section 402(b) of the Act, the U.S. Environmental Protection Agency has delegated to the State of California permitting authority over permits for MS4 discharges. *Id.* § 1342(b).

40. The State Water Resources Control Board and the Regional Water Quality Control Boards regulate water quality in California. Cal. Water Code §§ 13001, 13050(a)-(b).

2. The MS4 Permits

41. The Defendants have been and are co-permittees on MS4 Permits issued to them by the CVRWQCB. As such, the Defendants, unless otherwise and expressly stated in the MS4 Permits, are jointly and severally responsible for compliance with the MS4 Permit conditions.

42. The MS4 Permits address the "Stockton Urbanized Area," which includes the City and County urbanized areas that are both enclosed within, and surround, the City. 2007 Permit, at 2, ¶4; 2002 Permit, at 1, ¶4. On the basis of its classification as a large municipality, the City is required to obtain an NPDES municipal stormwater permit. 2007 Permit, at 1-2, ¶3; *see also* 2002 Permit, at 1, ¶3. In addition, due to the proximity of the County's urbanized area to the

City, the physical interconnections between the County urbanized areas and the City's storm sewer system, and the locations of the County urbanized area discharges relative to the City's system, the County is also designated as part of the municipal separate storm sewer system. 2007 Permit at 2, ¶4; *see also* 2002 Permit, at 1, ¶4.

43. Under the MS4 Permits, the Permittees have jurisdiction over and/or maintenance responsibilities for storm drains in the Stockton Urbanized Area. 2007 Permit, at 2, ¶5; 2002 Permit, at 2, ¶5. The stormwater discharge from the City and County covered under the MS4 Permits "consists of surface runoff generated from various land uses that discharge into storm drains, which in turn discharge to natural drainage watersheds. The major natural drainage watersheds in the Stockton Urbanized Area" are: Bear Creek, Mosher Slough, Five Mile Slough, Fourteen Mile Slough, the Calaveras River, Smith Canal, the Deep Water Channel, Mormon Slough, Walker Slough, Duck Creek, and Little Johns Creek (the "Receiving Waters"). 2007 Permit, at 2, ¶5; 2002 Permit, at 2, ¶5.

44. All of the Receiving Waters, in turn, "discharge to the Sacramento-San Joaquin River Delta and are tidal freshwater within the Stockton Urbanized Area with a one- to three-foot tide range. In most areas of the Stockton Urbanized Area, dry weather flow and storm water runoff are pumped to sloughs/rivers. These drain westerly into the San Joaquin River, which runs along the western side of the Stockton Urbanized Area." 2007 Permit, at 2, ¶5.

45. The Receiving Waters, the San Joaquin River, and the Delta are "waters of the United States." Furthermore, the Receiving Waters, the San Joaquin River, and the Delta are "waters of the State." *See* Cal. Water Code. § 13050(e).

3. Applicable Water Quality Standards and Criteria

46. Surface water quality standards that apply to the Receiving Waters include: Water Quality Control Plan for the California Regional Water Quality Control Board, Central Valley Region, Fourth Edition, The Sacramento River Basin and The San Joaquin River Basin (rev. October 2007) ("Basin Plan"); the National Toxics Rule, 57 Fed. Reg. 60,848 (December 22, 1992) ("NTR"); the California Toxics Rule, 65 Fed. Reg. 31,682 (May 18, 2000) ("CTR"); and certain total maximum daily loads ("TMDLs") and receiving water limitations set forth in the

MS4 Permits (collectively, the "Water Quality Standards").

(a) Basin Plan

47. In accordance with California Water Code section 13050, the Basin Plan consists of "a designation or establishment for the waters within a specified area of beneficial uses to be protected, water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives." *Basin Plan* at i-1.00. The Basin Plan covers the entire Sacramento and San Joaquin River Basins, *id.*, which includes the areas covered by the City and County MS4 Permits. The MS4 Permits implement the Basin Plan. 2007 Permit, at 11, ¶33; 2002 Permit, at 2, ¶30.

(b) National Toxics Rule and California Toxics Rule

48. In 1992, the NTR established federal criteria for certain priority toxic pollutants. The CTR was promulgated in 2000, establishing additional numeric water quality criteria for priority toxic pollutants applicable to waters in the State of California.

(c) Applicable TMDLs

49. Section 303(d) of the CWA requires states to identify waters within their boundaries for which implementation of effluent limitations required under the Act are not stringent enough to implement water quality standards applicable to those waters and to establish TMDLs necessary to achieve such water quality standards. 33 U.S.C. § 1313(d).

50. For various pollutants, and relevant to the Receiving Waters, the Section 303(d) impaired water bodies in the Stockton Urbanized Area based on identified exceedances of Water Quality Standards include segments of the Calaveras River, all waterways within the legal Delta boundary, Five-Mile Slough, Mormon Slough, Mosher Slough, Smith Canal, and Walker Slough. *See* 2007 Permit, Fact Sheet, at 12.

(d) Receiving Water Limitations from MS4 Permits

51. The Receiving Water limitations are expressly set forth in the MS4 Permits. *See* 2007 Permit, § C; 2002 Permit, § C.

B. <u>Endangered Species Act</u>

52. Congress enacted the ESA to, among other things, conserve certain "species of

fish, wildlife, and plants [that] have been so depleted in numbers that they are in danger of or threatened with extinction" and declared that such species "are of esthetic, ecological, educational, historic, recreational, and scientific value to the Nation and its people. . . ." 16 U.S.C. § 1531(a).

53. Except as otherwise provided by the ESA, Section 9 of the ESA makes it illegal for any person to "take" any species or fish or wildlife listed as endangered under the ESA. *Id.* § 1538(a). Both the City of Stockton and San Joaquin County are "persons" for purposes of the ESA. *Id.* §1532(13). The ESA confers on the Fish and Wildlife Service ("FWS") and National Marine Fisheries Services ("NMFS") (collectively the "Wildlife Agencies"), as the agencies that administer the ESA, authority to extend the section 9 "take" prohibition to threatened species as well. *Id.* § 1533(d). The Wildlife Agencies have each effected such an extension to threatened species. *See* 50 C.F.R.. §§ 17.31(a), 222.301(b).

54. "Take" is defined in the ESA to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." *Id.* §1539(19). "Harm" is defined as "an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 C.F.R. §§ 17.2, 222.102. "Harassment" is defined as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering." *Id.*

55. Section 7(a)(2) of the ESA sets out the interagency consultation requirements to ensure that federal agency action "is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification" of designated critical habitat for the species ("Section 7 Consultation"). 16 U.S.C. § 1536(A)(2). Under the Section 7 Consultation requirements, the federal Bureau of Reclamation, in order to operate the CVP and SWP, must consult with the Wildlife Agencies regarding the effects of the CVP and SWP on Listed Species. The effects considered in assessing whether the CVP and

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SWP jeopardize the continued existence of any of the Listed Species or destroy or adversely modify critical habitat include the effects of the CVP, SWP and the environmental baseline. The "environmental baseline includes the past and present impact of all Federal, State or private actions or other human activities in the action area." 50 C.F.R. § 402.02 (as an element of "Effects of the action"). If the baseline conditions already jeopardize a protected species, an agency can take no action that exacerbates the jeopardy by causing additional harm. In accordance with the Section 7 Consultation requirements, and the U.S. District Court for the Eastern District of California's ruling in *Natural Resources Defense Council, Inc. v. Kempthorne*, 2007 U.S. Dist. LEXIS 91968 (E.D. Cal 2007), the FWS issued on December 15, 2008 its revised Biological Opinion on the Proposed Operations of the CVP and SWP ("Revised Biological Opinion").

56. If Defendants complied with the MS4 Permits, and thereby reduced the amount of contamination in the Receiving Waters and the Delta, the result would be an improved Delta ecosystem and environmental baseline for the Listed Species.

57. Consequently, if the relief requested herein is granted and the baseline for the Listed Species is thereby improved, then the Wildlife Agencies must take such information into account when they determine whether proposed SWP exports from the Delta are in compliance with the ESA. The Wildlife Agencies do not have discretion to disregard such information. As a result, the Wildlife Agencies would necessarily have to conclude that greater exports than now recommended should be permitted.

MS4 PERMIT VIOLATIONS

A. Discharge Prohibitions

58. The MS4 Permits prohibit, *inter alia*, with respect to each Defendant jointly and severally:

a. Discharges from MS4s "in a manner causing, or threatening to cause, a condition of pollution, contamination or nuisance" as defined in California Water Code section 13050. 2007 Permit, § A.1; 2002 Permit, § A.1 (the "Pollution Condition Prohibition").

b. Discharges from MS4s "which cause or contribute to exceedances of receiving water quality standards for surface water or ground water." 2007 Permit, § A.2; 2002 Permit, § A.2 (the "Water Quality Exceedance Prohibition").

c. Discharges from MS4s containing pollutants which have not been reduced to the maximum extent practicable. 2007 Permit, § A.3; 2002 Permit, § A.3 (the "MEP Prohibition").

d. All non-stormwater discharges into the MS4s unless either authorized by a separate NPDES permit or otherwise not prohibited by the MS4 Permits. 2007 Permit, § B.1; 2002 Permit, § B.1.

1. Violations of Water Quality Exceedance Prohibition

59. Violations of the Water Quality Exceedance Prohibition are set forth in the Permittees' own annual reports, and restated in specific detail in Attachment A to the Notice Letter, including the date of the violation, the pollutant at issue, the location of the violation, the Water Quality Standard exceeded, the reported exceeding concentration, and the citation to where the Permittees expressly reported the violation.

(a) Mosher Slough

60. For 2004, beginning in February 2004, the Defendants reported no less than thirty-eight violations of the Water Quality Exceedance Prohibition in Mosher Slough, including violations for exceeding Water Quality Standards for 4,4-DDT, cadmium, diazinon, fecal coliform, iron, mercury, aluminum, oil and grease, E. coli, aldrin, gamma-chlordane, heptachlor, PCB-1260, chloropyrifos, bis(2-ethylhexyl)phthalate, copper, lead, and zinc.

61. For 2005, the Defendants reported no less than twenty-nine violations of the Water Quality Exceedance Prohibition in Mosher Slough, including violations for exceeding Water Quality Standards for oil and grease, E. coli, fecal coliform, aluminum, copper, iron, lead, mercury, zinc, 4-4DDT, and bis(2-ethylhexyl)phthalate.

62. For 2006, the Defendants reported no less than fifteen violations of the Water Quality Exceedance Prohibition in Mosher Slough, including violations for exceeding Water Quality Standards for oil and grease, E. coli, fecal coliform, aluminum,

bis(2-ethylhexyl)phthalate, copper, lead, and zinc.

63. For 2007, the Defendants reported no less than ten violations of the Water Quality Exceedance Prohibition in Mosher Slough, including violations for aluminum, copper, E. coli, and fecal coliform.

64. For 2008, and based on the single sample event results available, the Defendants reported no less than four violations of the Water Quality Exceedance Prohibition in Mosher Slough, including violations for aluminum, copper, E. Coli and fecal coliform.

(b) Calaveras River

65. For 2004, beginning in February 2004, the Defendants reported no less than fifty-one violations of the Water Quality Exceedance Prohibition in the Calaveras River, including violations for 4,4-DDT, aluminum, cadmium, copper, diazinon, dibenzo(a,h)anthracene, fecal coliform, lead, iron, mercury, pentachlorophenol, zinc, oil and grease, aldrin, alpha-BHC, heptachlor, PCB-1016, PCB-1260, bis(2-ethylhexyl)phthalate, antimony, beta-BHC, gamma-BHC, dieldrin, heptachlor epoxide.

66. For 2005, the Defendants reported no less than thirty-one violations of the Water Quality Exceedance Prohibition in the Calaveras River, including violations for oil and grease, E. coli, fecal coliform, aluminum, copper, iron, lead, mercury, zinc, 4-4DDT, bis(2-ethylhexyl)phthalate, 1,2-diphenylhydrazine.

67. For 2006, the Defendants reported no less than twenty-two violations of the Water Quality Exceedance Prohibition in the Calaveras River, including violations for oil and grease, E. coli, fecal coliform, aluminum, bis(2-ethylhexyl)phthalate, copper, lead, and iron.

68. For 2007, the Defendants reported no less than six violations of the Water Quality Exceedance Prohibition in the Calaveras River, including violations for E. coli, fecal coliform, and aluminum.

69. For 2008, based on the single sample event results available, the Permittees reported no less than four violations of the Water Quality Exceedance Prohibition in the Calaveras River, including violations for oil and grease, E. Coli, aluminum, copper and zinc.

(c) Duck Creek

70. For 2004, beginning in February 2004, the Defendants reported no less than sixty violations of the Water Quality Exceedance Prohibition in Duck Creek, including violations for 4,4-DDT, benzidine, cadmium, diazinon, dibenzo(a,h)anthracene, fecal coliform, iron, mercury, aluminum, bis(2-chloroethyl)ether, lead, oil and grease, arsenic, beryllium, copper, nickel, selenium, zinc, aldrin, heptachlor, bis(2-ethylhexyl)phthalate, E. Coli, alpha-BHC, beta-BHC, gamma-BHC, heptachlor epoxide, and PCB-1016.

71. For 2005, the Defendants reported no less than nineteen violations of the Water Quality Exceedance Prohibition in Duck Creek, including violations for oil and grease, E. Coli, fecal coliform, aluminum, copper, iron, lead, mercury, nickel, 4,4 - DDT, bis(2-ethylhexyl)phthalate, and zinc.

72. For 2006, the Defendants reported no less than twenty-nine violations of the Water Quality Exceedance Prohibition in Duck Creek, including violations for oil and grease, aluminum, copper, E. coli, fecal coliform, hexavalent chromium, iron, lead, zinc, and bis(2-ethylhexyl)phthalate.

73. For 2007, the Defendants reported no less than ten violations of the Water Quality Exceedance Prohibition in Duck Creek, including violations for aluminum, E. coli, fecal coliform, bis(2-ethylhexyl)phthalate, and lead.

(d) Smith Canal

74. For 2004, beginning in February 2004, the Defendants reported no less than fifty-four violations of the Water Quality Exceedance Prohibition in Smith Canal, including violations for aluminum, cadmium, diazinon, iron, lead, mercury, dissolved oxygen, 4,4-DDD, 4,4-DDT, chloride, oil and grease, E. Coli, aldrin, dieldrin, heptachlor expoxide, PDB-1260, bis(2-ethylhexyl)phthalate, cyanide, alpha-BHC, beta-BHC, 4,4-DDE, and PCB-1016.

75. For 2005, the Defendants reported no less than nineteen violations of the Water Quality Exceedance Prohibition in Smith Canal, including violations for oil and grease, E. Coli, fecal coliform, aluminum, iron, lead, mercury, 4,4-DDT, bis(2-ethylhexyl)phthalate, and 4,4-DDE.

76. For 2006, the Defendants reported no less than twenty violations of the Water Quality Exceedance Prohibition in Smith Canal, including violations for oil and grease, E. coli, fecal coliform, 4,4-DDT, 4,4-DDE, aluminum, copper, lead, mercury and bis(2-ethylhexyl)phthalate.

77. For 2007, the Defendants reported no less than seven violations of the Water Quality Exceedance Prohibition in Smith Canal, including violations for aluminum, 4,4-DDD, E. Coli, fecal coliform, total dissolved solids, and bis(2-ethylhexyl)phthalate.

78. For 2008, based on the single sample event results available, the Defendants reported no less than two violations of the Water Quality Exceedance Prohibition in Smith Canal, including violations for E. Coli and fecal coliform.

2. Violation of Pollution Condition Prohibition

79. Pollution: The Water Code defines "pollution" to mean "an alteration of the quality of waters of the state by waste to a degree which unreasonably affects," *inter alia*, the "waters for beneficial uses." Cal. Water Code §13050(1)(l). "Pollution" may also include "contamination" for purposes of the definition. *Id.* § 13050(1)(2). Impacts of Defendants' MS4 discharges have unreasonably affected and continue to unreasonable affect the respective Receiving Waters for beneficial uses, and each discharge therefore constitutes a violation of the Pollution Condition Prohibition.

80. Nuisance: The Water Code defines "nuisance" to mean "anything which meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the sense, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during, or as a result of, treatment or disposal of wastes. *Id.* § 13050(m). Defendants' MS4 discharges (1) have been and continue to be injurious to health, or are indecent or offensive to the senses, or are an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, (2) have affected and continue to affect a considerable number of persons, and (3) have occurred and continue to

occur as a result of the treatment or disposal of waste, and therefore constitute a violation of the Pollution Condition Prohibition.

81. Contamination: The Water Code defines "contamination" to mean "impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. 'Contamination' includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected." *Id.* § 13050(k). Defendants' MS4 discharges have created and continue to create a hazard to the public health resulting from disposal of waste, and therefore constitute a violation of the Pollution Condition Prohibition. *See also* 2007 Permit, Fact Sheet at p. 2 ("The water quality impacts and increased public health risks from [MS4] discharges that affect receiving waters nationwide and in the Central Valley are well documented.")

3. MEP Prohibition

82. The Maximum Extent Practicable (MEP) standard "involves applying best management practices (BMP) that are effective in reducing the discharge of pollutants in storm water runoff . . . 'There must be a serious attempt to comply, and practical solutions may not be lightly rejected . . .' MEP is the result of the cumulative effect of implementing, continuously evaluating, and making corresponding changes to a variety of technically and economically feasible BMPs that ensure the most appropriate controls are implemented in the most cost effective manner. *SWMP Comment Letter*, at p. 2, *quoting* State Water Resources Control Board Order WQ 2000-11, at 20. The threshold for MEP in this case is full compliance with the MS4 Permits. Defendants have not been in compliance with their MS4 Permits and therefore have not reduced pollutants in their MS4 discharges to the MEP.

4. Non-Stormwater Discharge Prohibition

83. The MS4 Permits prohibit certain actions or results specifically with regard to non-stormwater discharges, including the requirement that the Defendants effectively prohibit all types of non-stormwater discharges (2002 Permit, § B.3; 2007, Permit § B.1).

84. Defendants have failed to "effectively" prohibit non-stormwater discharges, and further, have otherwise failed to comply with the provisions of the non-stormwater discharge

prohibition provisions of the MS4 Permits. Among other things, such non-stormwater discharges continue, sanitary system overflows and spills into the MS4 continue, and Defendants have not complied with the Illicit Discharge Detection and Elimination requirements set forth in the MS4 Permits, *see infra,* ¶¶ 108 - 109.

B. Receiving Water Limitations

85. Discharges from MS4s are prohibited from causing noncompliance with specified receiving water limitations. 2002 Permit, § C.1; 2007 Permit, § C.1. In addition, the discharges may not cause or contribute to an exceedance of any applicable water quality standards set forth in the Basin Plan or otherwise. 2002 Permit, § D.1; 2007 Permit, § C.2.

86. Defendants' MS4 discharges have caused, and continue to cause, noncompliance with such specified receiving water limitations, including but not limited to those for: dissolved oxygen; oils and greases forming a visible film or coating on the water surface or on the stream bottom; deposition of material that causes nuisance or adversely affects beneficial uses; degradation of aquatic communities and populations; toxic pollutants present in the water column; sediment or biota in concentrations that adversely affect beneficial uses, produce detrimental response in human, plant, animal or aquatic life, or bioaccumulate in aquatic resources at levels which are harmful to human health; pathogen/bacterial concentrations that are present and exceed criteria or threaten human health; and violations of any applicable water quality standard for receiving waters adopted by the Regional Board or State Water Board under the CWA and associated regulations.

87. The Defendants' discharges have caused or contributed to exceedances or applicable water quality standards set forth in the Basin Plan or otherwise.

C. Minimum Compliance Standards

88. Without limiting the effect of any other requirement or prohibition set forth in the permit, and regardless of whether Defendants can otherwise comply with other requirements or prohibitions set forth in the permit, Defendants must at a minimum achieve compliance with those requirements and prohibitions "through timely implementation of control measures and other actions to reduce pollutants in discharges to the MEP in accordance with the SWMP,

including any modifications, and other requirements of this Order." 2002 Permit, § D.1. *See also* 2007 Permit, § C.3 (must at minimum achieve compliance "through timely implementation of control measures and other actions to reduce pollutants in discharges in accordance with SWMP and other requirements of this Order, including any modifications.").

89. As otherwise set forth and alleged in this Complaint, Defendants, both jointly and individually, have failed to reduce pollutants in their MS4 discharges to the MEP in accordance with the Storm Water Management Plan ("SWMP").

90. If either Defendant or the Regional Board determines that the discharges are causing or contributing to an exceedance of an applicable Water Quality Standard, the Defendants shall promptly file a Report of Water Quality Exceedance and follow other associated procedures set forth in the Permit (the "RWQE Procedures"). 2002 Permit, § D.1; 2007 Permit, § C.3.

91. The Defendants, both jointly and individually, have failed to fully or consistently comply with the RWQE Procedures.

92. Each Defendant, within its respective geographic jurisdiction, is required to comply with the Permit, the SWMP, and any modifications to the SWMP. 2002 Permit, § D.4.a; 2007 Permit, § D.1.a.

93. As otherwise set forth and alleged in this Complaint, each Defendant has failed to comply with the Permit, the SWMP, and modifications to the SWMP.

94. By November 1, 2002, San Joaquin County was required to complete the tasks set forth in section D.3 of the 2002 Permit.

95. The County did not fully complete by November 1, 2002 the tasks set forth in Section D.3 of the 2002 Permit, and the failure to adequately complete such tasks is continuing.

D. Coordination

96. The Defendants are required to coordinate internally and participate in intra-agency coordination "as necessary to successfully implement the provisions" of the MS4 Permits and SWMP. 2002 Permit, § D.4; 2007 Permit, § D.1.

97. The Defendants have not successfully implemented the provisions of the MS4

Permits and the SWMP.

E. Legal Authority

98. The Defendants shall "establish, maintain, and enforce" adequate legal authority to control MS4 pollutant discharges. 2002 Permit, § D.6. *See* also 2007 Permit, § D.5. ("The Permittees shall review, revise, maintain and enforce" adequate legal authority to control MS4 pollutant discharges).

99. Each Defendant has failed, *inter alia*, to enforce adequate legal authority necessary to control pollutant discharges from the MS4.

F. Program Management

100. Each Defendant was required to have "commenced full implementation of all requirements of the SWMP" provisions of the MS4 Permits by September 1, 2004." 2002 Permit, § 9.c.

101. Defendants failed to fully implement all of the requirements of the SWMP provisions by September 1, 2004, and such failure is continuing.

G. Construction Program

102. Among other things, each Defendant is required, through its construction program, to ensure that certain requirements set forth in the Permit are effectively implemented. 2002 Permit § D.10.b; 2007 Permit, § D.9.c.

103. Each Defendant has failed to effectively implement elements of their respective construction programs as required. Those elements include, but are not limited to, those relating to sediment retention, discharge to streets, drainage facilities, receiving waters and adjacent properties, erosion control, notice of intent submission, and inspections.

H. Industrial/Commercial Program

104. Each Defendant shall, *inter alia*, "require implementation of pollutant reduction and control measures at industrial and commercial facilities, with the objective of effectively prohibiting non-storm water runoff" and reducing pollutants in stormwater runoff to the MEP. 2002 Permit, § D.11; *see also* 2007 Permit, § D.10.c.

105. Each Defendant has failed to require implementation of pollutant reduction and

control measures at industrial and commercial facilities to effectively prohibit non-storm water runoff and reduce pollutants in stormwater runoff, including, without limitation, failure to: maintain an adequate inventory or database of significant sources of unauthorized non-stormwater discharges and/or stormwater pollution; adequately prioritize such facilities based on their threat to water quality; adequately inspect such facilities; implement a progressive enforcement policy; provide adequate training; conduct the necessary assessment of the effectiveness of the program and identify necessary modifications; or require industrial/commercial dischargers to effectively prohibit non-stormwater runoff and reduce pollutant in stormwater.

I. Municipal Program

106. Each Defendant is required to implement a municipal program to effectively prohibit non-stormwater discharges and prevent or reduce runoff from all municipal land use areas, facilities, and activities to MEP. 2007 Permit § D.11; *see also* 2002 Permit, § D.12.

107. Each Defendant has respectively failed to implement a municipal program to effectively prohibit non-stormwater discharges and prevent or reduce runoff from all municipal land use areas, facilities, and activities, including, without limitation, failure to: adequately prevent sanitary sewer overflows or spills; implement adequate development standards; implement adequate pollution prevention at Defendants' facilities; conduct adequate street sweeping activities; provide adequate training; or conduct the necessary assessment of the effectiveness of the program and identify necessary modifications.

J. Illicit Discharge Detection and Elimination

108. Each Defendant is required to implement an illicit discharge and elimination program containing measures "to actively seek and eliminate illicit discharges and connections." 2002 Permit, § D.13; 2007 Permit, § D.12. Required action under such program includes proactively detecting illicit discharges and illegal connections, investigating and eliminating identified illegal connections, and investigating and mitigating impacts of illicit discharges, as specifically set forth in the Permit.

109. Each Defendant has respectively failed to adequately implement the required illicit

discharge detection and elimination program, including, without limitation, failure to: actively or proactively seek and eliminate illicit discharges and connections; adequately develop and maintain a listing of illicit connections; provide adequate training; adequately conduct dry weather monitoring and screening; adequately inspect and follow up; and adequately maintain required records.

K. Public Outreach and Public Education

110. Each Defendant is required to implement a Public Outreach Program to increase public knowledge and affect behavior with regard to urban runoff. 2002 Permit, § D.14; 2007 Permit, § D.13.

111. Defendants have not adequately implemented their respective Public Outreach Programs to effectively address the objectives set forth in the MS4 Permits.

L. Planning and Land Development Program

112. Each Defendant is required to update and implement a Planning and Land Development Program to minimize the short and long-term impacts on receiving water quality from new development and redevelopment. 2002 Permit, §§ 19-28; 2007 Permit, §§ 14-25.

113. Defendants have failed to adequately implement such a program by, *inter alia*, not effectively implementing low impact development requirements and standards, reducing impervious surfaces, implementing and enforcing adequate on-site retention areas, or providing for adequate maintenance of structural stormwater controls.

M. Water Quality Based Programs

114. Among other things, Defendants are required to implement a Pesticide Plan that addresses both Defendants' use of pesticides and use by other sources within Defendants' respective jurisdictions. 2002 Permit, § 18.a; 2007 Permit, § 28.a. Defendants' annual reports have not indicated that pesticide application rates within their respective jurisdictions have been reduced. For that and other reasons, Defendants have not adequately implemented the Pesticide Plan as required.

115. The MS4 Permit further requires the Defendants to develop and implement a pathogen pollution prevention plan (the "Pathogen Plan"). 2002 Permit, § 18.b; 2007 Permit,

§ 28.c. The Pathogen Plan was submitted to the Regional Board and approved in 2004. The Pathogen Plan encompassed a ten-year time frame, to be conducted in three phases, to identify pathogen sources and reduce levels in all relevant impaired water bodies. Pathogens are assessed using E. coli and fecal coliform as indicator organisms. Timelines in the Pathogen Plan have not been complied with. Regional Water Quality Control Board, Central Valley Region, *Total Maximum Daily Load Report for Pathogens in: Five-Mile Slough, Lower Calaveras River, Mormon Slough, Mosher Slough, Smith Canal and Walker Slough, Final Staff Report* (March 2008), p. 23, § 6, citing "a recent update by the City of Stockton (City of Stockton, 2008)." Further, any suggestions that sources upstream of Stockton are significant contributors or pathogens in Calaveras River, Mosher Slough and Walker Sough are unsupported or otherwise based on data that does not comport with standards set by the State Water Board. *Id.* §§ 6-7, pp. 23-25.

116. Defendants are further required to develop and implement a Low Dissolved Oxygen Plan. 2002 Permit, § 18.c; 2007 Permit, § 28.b. Defendants have failed to adequately develop and implement such Plan as required.

N. Monitoring and Reporting Program

117. Defendants are required to implement and fully comply with the Monitoring and Reporting Program incorporated into and part of their MS4 Permits.

118. Defendants have failed, and continue to fail, to implement and fully comply with the Monitoring and Reporting Program Requirements.

ENDANGERED SPECIES ACT VIOLATIONS

A. Effect of the MS4 Discharged Contaminants in the Delta

119. Defendants' introduction of pollutants to the Delta, including those discharges in violation of the MS4 Permits, has and is continuing to constitute an unpermitted "take" of the Listed Species.

120. Generally, contaminants "can change ecosystem functions and productivity through numerous pathways." *Revised Biological Opinion*, at 186. Contaminant-related toxicity has been found in the water and sediments of the Delta and its watersheds. *Id.*, at 187. The

presence of organophosphates and pyrethroid pesticides have also been found to increase toxicity in the Delta. *Id.*

121. Concern over contaminants in the Delta is not new. Indeed, although additional work is being done to more specifically understand the direct and indirect impact of contaminants on aquatic organisms in the Delta, it has been understood for some time that contaminants are a significant problem in the Delta. *See* USFWS (1996), *Recovery Plan for the Sacramento/San Joaquin Delta Native Fishes*; *Pelagic Organism Decline Progress Report: 2007 Synthesis of Results*, Interagency Ecological Program for the San Francisco Bay Estuary (January 2008) ("POD Report"), at 14 (noting, *inter alia*, earlier studies addressing impacts to species in the Delta from runoff events, toxicity in Delta water and sediments, mercury and selenium issues, and herbicide impacts).

122. Even exposure to low levels of contaminants results in behavioral changes in fish, such as decreases in the fish's ability to detect prey and avoid predation. *See also* Werner, I., *et al.*, *Chemical Stressors in the Sacramento-San Joaquin Delta*, Sacramento-San Joaquin Delta Regional Ecosystem Restoration Implementation Plan, Ecosystem Conceptual Model (January 28, 2008) ("Chemical Stressors Conceptual Model"), at p. 3 (contaminants, particularly pesticides and heavy metals, are likely to affect lower trophic levels, with effects on species composition and good web dynamics; at higher trophic levels sublethal toxicity can "reduce ecological fitness through impaired growth, reproduction, or behavior, or increase the organisms' susceptibility to disease.")

123. Various contaminants in the Delta are known to have significant impacts on the Listed Species. Copper is highly toxic to all elements of the food web that support, for example, the Delta smelt, including microbes, algae and invertebrates. Juvenile delta smelt have a particularly heightened sensitivity to copper. Even low concentrations of copper impair olfactory functions in salmon, and can completely eliminate the ability of juveniles to respond to predator cues. Furthermore, copper (as well as other metals, PCBs, and pesticides) "alter the function of the immune system [in fish] and result in immunosuppression, uncontrolled cell proliferation, and alterations to the host defense mechanisms against pathogens." *Chemical Stressors Conceptual*

Model, at 24. Copper is also known to cause gill hyperplasia, even at very low concentrations, and can affect chemosensory perception.

124. Mercury toxicity in fish is well documented, and causes neurotoxicity and significantly affects the fish's ability to reproduce. Mercury is also known to affect a fish's ability to catch food, visual activity, and growth, and causes lethargy, loss of equilibrium, gill hyperplasia and reduced respiration, and nephrotoxicity. It also has deleterious teratogenic and reproductive effects. *See also Chemical Stressors Conceptual Model*, at 23 (behavioral impacts of mercury, directly leading to "increased vulnerability or predation or decreased food intake.")

125. Aluminum adversely affects aquatic organisms, particularly in early life stages, during which feeding behavior and decreased growth and survival have been found. Its synergistic effects further enhance overall contaminant toxicity and at lower concentrations.

126. Pesticide contamination is a particular concern in the Delta, and concentrations tend to be highest after rain events. Diazinon, for example, accumulates in and is toxic to aquatic life, and causes changes in feeding behavior, growth, predation avoidance, reproduction, biochemistry and enzyme function. *See, e.g.,* EPA EOTOX database <http://cfpub.epa.gov/etotox/>. Diazinon also impairs olfactory functions in salmon. *Chemical Stressors Conception Model*, at 23.

127. PCB concentrations in the Delta may adversely affect rare and endangered species, and populations in PCB-contaminated sites face high risks from direct exposure. *Id.*, at 6. DDT and DDE act, among their other effects, as endocrine disruptors, blocking or mimicking hormones and disrupting normal physiological functions. Exposing fish populations to even low concentrations of endocrine disrupting compounds "can have dramatic effects." *Id.* Furthermore, certain chemicals of concern, such as DDT, DDE, DDD and PCBs, persist in receiving waters and sediments for long periods of time, and present a risk to resident biota. *Id.*, at 10. In addition, bis(2-ethylhexyl)phthalate has been found to have significant reproductive impacts at low concentrations.

B. Take of the Listed Species

128. The delta smelt resides in the upper San Francisco Bay Estuary, primarily the

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Delta and Suisun Bay. The delta smelt was listed as a threatened species by the FWS on March 5, 1993. 58 Fed. Reg. 12854 (1993). Critical habitat for the delta smelt was designated by the FWS on December 19, 1994. 59 Fed. Red. 65256 (1994).

129. The Sacramento River winter-run chinook salmon is an anadromous fish that migrates through the Delta into the upper Sacramento River from December to May. NMFS listed the Sacramento River winter-run chinook salmon as an endangered species on January 4, 1994, 59 Fed. Reg. 440 (1994), and designated critical habitat for the species on June 16, 1993, Fed. Reg. 33212 (1993). *See also* 70 Fed. Reg. 37, 160 (June 28, 2005).

130. The Central Valley spring-run chinook salmon is an anadromous fish that migrates through the Delta to the upper Sacramento River from March to July. NMFS listed the Central Valley spring-run chinook salmon as a threatened species on September 16, 1999, 64 Fed. Reg. 50394 (19993), and designated critical habitat for the species on September 2, 2005, 70 Fed. Reg. 52488 (2005).

131. The Central Valley steelhead is a coastal steelhead that occupies the Sacramento and San Joaquin Rivers and their respective tributaries. NMFS listed the Central Valley steelhead as a threatened species on March 19, 1998, 63 Fed. Reg. 13347 (1998), and designated critical habitat for the species on September 2, 2005, 70 Fed. Reg. 52488 (2005).

132. The FWS has specifically concluded that survival and recovery of the "Delta smelt requires, among other needs, (a) reduction of "levels of contaminants and other pollutants in smelt habitat to increase health, fecundity and survival of adults and juveniles," (b) reduction of "delta smelt exposure to disease and toxic algal blooms to increase health, fecundity and survival of adults and juveniles," and (c) restoration of the "structure of the food web" in the Delta. *Revised Biological Opinion*, at 189-90. *See also id.*, p. 277.

133. The delta smelt is present at its lowest level of abundance since monitoring first began in 1967. *Id.*, at 276. *See also POD Report*, at 11. Baseline stressors such as contaminants "will continue to adversely affect the delta smelt. . . ." *Revised Biological Opinion*, at 277.

134. The FWS has concluded that adverse effects to the delta smelt and its critical habitat may result from point and non-point source chemical contaminant discharges within the

action area." *Id.*, at 245.

135. Defendants' MS4 discharges, and resulting contamination, significantly and adversely impact food availability for individual members of the Listed Species. For example, food sources such as zooplankton, particularly with respect to the delta smelt, and larval fish, particularly with respect to the salmonids, have been significantly depleted as a result of such contamination. Apart from generally inhibiting energy and nutrition requirements, limitations on food availability results in the failure of individuals of the Listed Species to meet all of their metabolic needs, inhibits growth and development necessary to survive in their habitat, decreases the ability to migrate properly, and leads to increased incidents of disease. *See Revised Biological Opinion*, at 151 (the presence of contaminants can affect food availability for fish that feed on these plankton); *POD Report*, at 22 ("low and declining primary productivity in the estuary is likely a principal cause for the long-term pattern of relatively low and declining biomass of pelagic fishes."); *id.* at 23 (pelagic consumer production limited by low phytoplankton productivity in the San Francisco Estuary); *id.* at 24-25 (food limitation resulting in poor fish growth and conditions and contribute to poor phytoplankton growth and invertebrate mortality).

136. Defendants' MS4 discharges, and resulting contamination, increase incidents of disease in individual members of the Listed Species.

137. Defendants' MS4 discharges, and resulting contamination, adversely affect migratory mechanisms and ability of individual members of the Listed Species. Impacts include, without limitation, causing the fish to avoid areas it needs to occupy to migrate successfully, inhibiting the fish's ability to process its migratory cues and assess the migratory paths it needs to take, and decreasing the energy necessary to make the required migration.

138. Defendants' MS4 discharges, and resulting contamination, decrease the ability of individual members of the Listed Species to defend against predators. Impacts include, without limitation, inhibiting the fish's ability to recognize predators, limiting the fish's ability to find shelter and swim fast enough to avoid predation, increasing signals of stress detectable to predators, and increasing overall disorientation.

139. Defendants' MS4 discharges, and resulting contamination, inhibit growth requirements of individual members of the Listed Species. Impacts result, without limitation, from decreased food availability and resulting increased stress, which can completely shut down growth and, in turn, the ability to spawn and reproduce.

140. Defendants' MS4 discharges, and resulting contamination, decrease individual members of the Listed Species' ability reproduce. Impacts include, without limitation, inhibiting the ability to produce eggs, migrate and spawn.

141. Defendants' MS4 discharges, and resulting contamination, affect immunosuppression systems, endocrine receptors, and other enzyme functions of individual members of the Listed Species. Impacts include, without limitation, limited ability to reproduce, viability of offspring and reduced fitness of offspring, teratogenic and mutagenic effects, and other toxicological effects.

142. Defendants' MS4 discharges, including those discharges in violation of the MS4 Permits, alone or in combination with other causes, have either directly or indirectly resulted in death and/or injury to individual members of the Listed Species. Among other things, such acts have resulted in significant habitat modification or degradation, decreased food availability, reduced predatory defense mechanisms, impaired growth, and impaired essential behavioral patterns of the Listed Species. Such acts have further caused and/or accelerated the decline of the Listed Species, have prevented and/or impeded recovery of the Listed Species, and continue to do so. Defendants' MS4 discharges, and particularly those discharges in violation of the MS4 Permits, were and continue to be reasonably certain to affect individual members of each of the Listed Species, and it was and is reasonably foreseeable that such acts would result in death or injury of individual members of each of the Listed Species.

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CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Clean Water Act)

(Water Quality Exceedance Prohibition – Causing and Contributing to Exceedances of Applicable Water Quality Standards in Violation of the MS4 Permits, § A.2 and 33 U.S.C. §§ 1311(a), 1342(p), 1365(a), 1365(f))

143. Plaintiffs reallege and incorporate by reference each and every allegation set forth in Paragraphs 1 through 142 above.

144. The Basin Plan, NTR, CTR, TMDLs and other applicable regulatory documents establish Water Quality Standards applicable to the Receiving Waters. The MS4 Permits prohibit discharges that cause or contribute to exceedances of those Water Quality Standards.

145. The Defendants, in their Annual Reports and in other documents, have acknowledged exceedances of Water Quality Standards over the past five years. The MS4 discharges, in violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p), have caused or contributed to, and continue to cause or contribute to, exceedances of Water Quality Standards in the Receiving Waters.

146. From February 2004 to the present, each day that the Defendants have caused or contributed to exceedances of Water Quality Standards in each of the Receiving Waters constitutes a separate and distinct violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

147. By committing the acts alleged above, the Defendants are subject to assessment of civil penalties under 33 U.S.C. §§ 1319(d) and 1365(a).

148. An action for declaratory judgment is authorized under 28 U.S.C. § 2201.

149. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless the Defendants cease and desist from such violations of the MS4 Permits and CWA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

SECOND CLAIM FOR RELIEF

(Clean Water Act)

(Pollution Condition Prohibition – Causing or Threatening to Cause a Condition of Pollution, Contamination or Nuisance in Violation of the MS4 Permits, § A.1 and 33 U.S.C. §§ 1311(a), 1342(p), 1365(a), 1365(f))

150. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in Paragraphs 1 through 149 above.

151. The MS4 Permits prohibit discharges in a manner causing, or threatening to cause, a condition of pollution, contamination or nuisance.

152. The Defendants MS4 discharges have caused or threatened to cause, and continue to cause or threaten to cause, a condition of pollution, contamination and/or nuisance in the Receiving Waters in violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

153. From February 2004 to the present, each day that the Defendants have caused or contributed to exceedances of Water Quality Standards in each of the Receiving Waters constitutes a separate and distinct violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

154. By committing the acts alleged above, the Defendants are subject to assessment of civil penalties under 33 U.S.C. §§ 1319(d) and 1365(a).

155. An action for declaratory judgment is authorized under 28 U.S.C. § 2201.

156. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless the Defendants cease and desist from such violations of the MS4 Permits and CWA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

THIRD CLAIM FOR RELIEF

(Clean Water Act)

(MEP Prohibition – MS4 Discharges Not Reduced to MEP in Violation of the MS4 Permits, § A.3 and 33 U.S.C. §§ 1311(a), 1342(p), 1365(a), 1365(f))

157. Plaintiffs reallege and incorporate by this reference each and every allegation set

forth in Paragraphs 1 through 156 above.

158. The MS4 Permits prohibit discharges that have not been reduced to the MEP.

159. The Defendants have not reduced the MS4 discharges to the MEP, in violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

160. From February 2004 to the present, each day that the Defendants have not reduced their MS4 discharges to MEP constitutes a separate and distinct violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

161. By committing the acts alleged above, the Defendants are subject to assessment of civil penalties under 33 U.S.C. §§ 1319(d) and 1365(a).

162. An action for declaratory judgment is authorized under 28 U.S.C. § 2201.

163. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless the Defendants cease and desist from such violations of the MS4 Permits and CWA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

FOURTH CLAIM FOR RELIEF

(Clean Water Act)

(Non-Storm Water Discharges – Failure to Effectively Prohibit in Violation of the MS4 Permits, § B.3/B.1 and 33 U.S.C. §§ 1311(a), 1342(p), 1365(a), 1365(f))

164. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in Paragraphs 1 through 163 above.

165. The MS4 Permits require that the Defendants effectively prohibit non-storm water discharges from their MS4s.

166. The Defendants, in violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p), have failed and continue to fail to effectively prohibit non-storm water discharges from their MS4s.

167. From February 2004 to the present, each day that the Defendants have failed to effectively prohibit non-storm water discharges from their MS4s constitutes a separate and

distinct violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

168. By committing the acts alleged above, the Defendants are subject to assessment of civil penalties under 33 U.S.C. §§ 1319(d) and 1365(a).

169. An action for declaratory judgment is authorized under 28 U.S.C. § 2201.

170. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless the Defendants cease and desist from such violations of the MS4 Permits and CWA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

FIFTH CLAIM FOR RELIEF

(Clean Water Act)

(Receiving Water Limitations – Causing Noncompliance with Receiving Water Limitations in Violation of the MS4 Permits, § C.1 and 33 U.S.C. §§ 311(a), 1342(p), 1365(a), 1365(f))

171. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in paragraphs 1 through 170 above.

172. The MS4 Permits prohibit discharges that cause noncompliance with Receiving Water Limitations.

173. The Defendants' MS4 discharges have caused and continue to cause noncompliance with Receiving Water Limitations in violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

174. From February 2004 to the present, each day that the Defendants have caused noncompliance with Receiving Water Limitations constitutes a separate and distinct violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

175. By committing the acts alleged above, the Defendants are subject to assessment of civil penalties under 33 U.S.C. §§ 1319(d) and 1365(a).

176. An action for declaratory judgment is authorized under 28 U.S.C. § 2201.

177. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations.

Unless the Defendants cease and desist from such violations of the MS4 Permits and CWA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

SIXTH CLAIM FOR RELIEF

(Clean Water Act)

(Failure to Comply with Other MS4 Permit Conditions in Violation of the MS4 Permits, §§ C, D and 33 U.S.C. §§ 1311(a), 1342(p), 1365(a), 1365(f))

178. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in Paragraphs 1 through 177 above.

179. The MS4 Permits require compliance with specific conditions as set forth herein, including but not limited to requirements with regard to:

a. Minimum Compliance Standards.

b. Coordination

c. Legal Authority

d. Program Management

e. Construction Program

f. Industrial/Commercial Program

g. Municipal Program

h. Illicit Discharge Detection and Elimination

i. Public Outreach and Public Education

j. Planning and Development

k. Water Quality Based Programs

l. Monitoring and Reporting Program

180. As set forth and alleged herein, Defendants have failed and continue to fail to comply with each of the above-referenced MS4 Permit requirements in violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

181. From February 2004 to the present, each day that the Defendants have been in noncompliance with each of the above-referenced MS4 Permit requirements constitutes a

separate and distinct violation of the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p).

182. By committing the acts alleged above, the Defendants are subject to assessment of civil penalties under 33 U.S.C. §§ 1319(d) and 1365(a).

183. An action for declaratory judgment is authorized under 28 U.S.C. § 2201.

184. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless the Defendants cease and desist from such violations of the MS4 Permits and CWA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

SEVENTH CLAIM FOR RELIEF

(Endangered Species Act)

(Defendants' Unlawful Take of Delta Smelt, 16 U.S.C. §§ U.S.C. 1538(a)(1)(B), 1540(g)(1)(A))

185. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in Paragraphs 1 through 184 above.

186. The delta smelt is listed under the ESA as a threatened species.

187. Take of threatened species is prohibited under the ESA and applicable regulations.

188. Take includes, *inter alia*, "harm" and "harassment" of a listed species.

189. Contaminants present in Defendants' MS4 discharges have caused, and will continue to cause, take of the delta smelt in violation of the ESA.

190. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless and until the Defendants are enjoined from continuing such violations of the ESA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

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EIGHTH CLAIM FOR RELIEF

(Endangered Species Act)

(Defendants' Unlawful Take of Sacramento River Winter-Run Chinook Salmon, 16 U.S.C. §§ 1538(1)(B), 1540(g)(1)(A))

191. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in Paragraphs 1 through 190 above.

192. The Sacramento River winter-run Chinook salmon is listed under the ESA as an endangered species.

193. Take of endangered species is prohibited under the ESA and applicable regulations.

194. Take includes, *inter alia*, "harm" and "harassment" of a listed species.

195. Contaminants present in Defendants' MS4 discharges have caused, and will continue to cause, take of the Sacramento River winter-run Chinook salmon in violation of the ESA.

196. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless and until the Defendants are enjoined from continuing such violations of the ESA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

NINTH CLAIM FOR RELIEF

(Endangered Species Act)

(Defendants' Unlawful Take of Central Valley Spring-Run Chinook Salmon, 16 U.S.C. §§ 1538(a)(1)(B), 1540(g)(1)(A))

197. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in Paragraphs 1 through 196 above.

198. The Central Valley spring-run Chinook salmon is listed under the ESA as a threatened species.

199. Take of threatened species is prohibited under the ESA and applicable regulations.

200. Take includes, *inter alia*, "harm" and "harassment" of a listed species.

201. Contaminants present in Defendants' MS4 Discharges have caused, and will continue to cause, take of the Central Valley spring-run Chinook salmon in violation of the ESA.

202. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless and until the Defendants are enjoined from continuing such violations of the ESA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

TENTH CLAIM FOR RELIEF

(Endangered Species Act)

(Defendants' Unlawful Take of Central Valley Steelhead, 16 U.S.C. §§ 1538(a)(1)(B), 1540(g)(1)(A))

203. Plaintiffs reallege and incorporate by this reference each and every allegation set forth in Paragraphs 1 through 202 above.

204. The Central Valley steelhead is listed under the ESA as a threatened species.

205. Take of threatened species is prohibited under the ESA and applicable regulations.

206. Take includes, *inter alia*, "harm" and "harassment" of a listed species.

207. Contaminants present in Defendants' MS4 discharges have caused, and will continue to cause, take of the Central Valley steelhead in violation of the ESA.

208. The Defendants' violations are ongoing and continuous, and Defendants will continue to violate such requirements unless enjoined from continuing with such violations. Unless and until the Defendants are enjoined from continuing such violations of the ESA, Plaintiffs will suffer irreparable harm for which Plaintiffs have no other adequate remedies at law.

PRAYER FOR RELIEF

209. Plaintiffs respectfully request that this Court enter a judgment:

a. Declaring in accordance with 28 U.S.C. section 2201, that the City of Stockton and San Joaquin County, as co-permittees of the MS4 Permits, jointly and

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severally, or alternatively individually, have violated the Water Quality Prohibition and 33 U.S.C. §§ 1311(a) and 1342(p) by causing or contributing to Water Quality Standard exceedances in the Receiving Waters;

b. Declaring, in accordance with 28 U.S.C. section 2201, that the City Stockton and San Joaquin County, as co-permittees of the MS4 Permits, jointly and severally, or alternatively individually, have violated the Pollution Condition Prohibition and 33 U.S.C. §§ 1311(a) and 1342(p) by causing or threatening to cause a condition of pollution, contamination or nuisance in the Receiving Waters;

c. Declaring, in accordance with 28 U.S.C. section 2201, that the City Stockton and San Joaquin County, as co-permittees of the MS4 Permits, jointly and severally, or alternatively individually, have violated the MEP Prohibition and 33 U.S.C. §§ 1311(a) and 1342(p) by failing to reduce their discharges to the MEP;

d. Declaring, in accordance with 28 U.S.C. section 2201, that the City Stockton and San Joaquin County, as co-permittees of the MS4 Permits, jointly and severally, or alternatively individually, have violated the Non-Stormwater Discharge Prohibition and 33 U.S.C. §§ 1311(a) and 1342(p) by failing to effectively prohibit non-stormwater discharges from their MS4s;

e. Declaring, in accordance with 28 U.S.C. section 2201, that the City Stockton and San Joaquin County, as co-permittees of the MS4 Permits, jointly and severally, or alternatively individually, have violated the MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p) by causing noncompliance with Receiving Water Limitations;

f. Declaring, in accordance with 28 U.S.C. section 2201, that the City Stockton and San Joaquin County, as co-permittees of the MS4 Permits, jointly and severally, or alternatively individually, have violated the Minimum Compliance Standards, Coordination, Legal Authority, Program Management, Construction Program, Industrial/Commercial Program, Municipal Program, Illicit Discharge Detection and Elimination, Public Outreach and Public Education, Planning and

Development, Water Quality Based Programs and Monitoring and Report Program provisions of their MS4 Permits and 33 U.S.C. §§ 1311(a) and 1342(p) by failing to comply with those provisions as required;

g. Enjoining the City of Stockton and San Joaquin County from violating MS4 Permit requirements, 33 U.S.C. § 1365;

h. Awarding civil penalties in accordance with 33 U.S.C. § 1319(d) and 1365(a), and 40 C.F.R. § 19.4;

i. Declaring that the City of Stockton and San Joaquin County have violated the ESA;

j. Enjoining the City of Stockton and San Joaquin County from violating the ESA;

k. Awarding Plaintiffs their costs of litigation, including reasonable attorneys' experts fees, in accordance with 16 U.S.C. § 1540(g)(4) and 33 U.S.C. 1365(d); and

l. Ordering such other relief, including injunctive relief, as the Court may deem appropriate.

DATED: February 18, 2009

BARG COFFIN LEWIS & TRAPP, LLP

/s/ Joshua A. Bloom
JOSHUA A. BLOOM
Attorneys For Plaintiffs
Coalition for a Sustainable Delta, Belridge Water Storage District, Berrenda Mesa Water District, Cawelo Water District, North of the River Municipal Water District , Wheeler Ridge-Maricopa Water Storage District, and Dee Dillon

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Attorneys for Plaintiffs
Coalition for a Sustainable Delta, Belridge Water Storage District, Berrenda Mesa Water District, Cawelo Water District, North of the River Municipal Water District, Wheeler Ridge-Maricopa Water Storage District, and Dee Dillon

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

COALITION FOR A SUSTAINABLE DELTA, a California nonprofit corporation, BELRIDGE WATER STORAGE DISTRICT, a California Water Storage District, BERRENDA MESA WATER DISTRICT, a California Water District, CAWELO WATER DISTRICT, a California Water District, NORTH OF THE RIVER MUNICIPAL WATER DISTRICT, a California Municipal Water District, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT, a California Water Storage District, and DEE DILLON, an individual,

Plaintiffs,

v.

CITY OF STOCKTON, a municipal corporation, and COUNTY OF SAN JOAQUIN, a political subdivision of the State of California,

Defendants.

Case No.

EXHIBIT 1 TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES

(Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*; Endangered Species Act, 16 U.S.C. §§ 1531 *et seq.*)

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EXHIBIT 1

Exhibit A

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October 17, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

City Council
City of Stockton
425 N. El Dorado Street
Stockton, CA 95202

Edward J. Chavez, Mayor
City of Stockton
425 N. El Dorado Street
Stockton, CA 95202

Mark Madison, Director of Municipal Utilities
City of Stockton
2500 Navy Drive
Stockton, CA 95206

County Board of Supervisors
County of San Joaquin
222 E. Weber Avenue, Room 701
Stockton, CA 95202

Manuel Lopez, County Administrator
County of San Joaquin
222 East Weber Ave., Room 707
Stockton, CA 95202

Thomas R. Flinn, Public Works Director
County of San Joaquin
1810 East Hazelton Avenue
Stockton, CA 95205

Re: Notice of Violations and Intent to Sue for Violations of the Clean Water Act and Endangered Species Act

To the Above-Referenced Recipients:

This letter is submitted on behalf of the Coalition for a Sustainable Delta ("Coalition"), Belridge Water Storage District, Berrenda Mesa Water District, Cawelo Water District, North of the River Municipal Water District, Wheeler Ridge-Maricopa Water Storage District, and Mr. Dee Dillon[1] (collectively, the "Affected Parties") and provides notice in accordance with section 505(b) of the Clean Water Act ("CWA"), 33 U.S.C. § 1365(b) and section 11(g) of the Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g). The City of Stockton ("City") and County of San Joaquin ("County") (together, the "Permittees") are hereby provided notice by The Affected Parties, as generally and specifically set forth herein, of ongoing violations of the CWA, 33 U.S.C. § 1251 et *seq.* and the ESA, 16 U.S.C. § 1531 *et seq.*[2]

[1] Mr. Dillon is also a member of the Coalition.

[2] This notice letter supersedes the Affected Parties' July 1, 2008 notice letter.

Exhibit A

EXHIBIT 1

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The violations subject to this notice are related to discharges from the Permittees' municipal separate storm sewer system into the Sacramento-San Joaquin Delta ("Delta") and waters tributary to the Delta. Specifically, this letter addresses violations of: 1) *Waste Discharge Requirements – City of Stockton and County of San Joaquin Storm Water Discharges from Municipal Separate Storm Sewer System San Joaquin County*, Central Valley Regional Water Quality Control Board Order No. R5-2002-0181, NPDES No. CAS083470 (the "2002 Permit"); 2) *Waste Discharge Requirements – City of Stockton and County of San Joaquin Storm Water Discharges from Municipal Separate Storm Sewer System San Joaquin County*, Central Valley Regional Water Quality Control Board Order No. R5-2007-0173, NPDES No. CAS083470 (the "2007 Permit");[3] and 3) the prohibitions set forth in section 9(a)(1)(B) of the ESA, 16 U.S.C. § 1538(a)(1)(B).

The Affected Parties hereby provide notice that sixty days following the date of this letter, the Affected Parties intend to file suit against the Permittees in the U.S. District Court for the violations described in this letter and will seek civil penalties and injunctive relief under the CWA for ongoing discharges of pollutants by the Permittees in violation of the CWA, and injunctive relief under the ESA for the unauthorized taking of species designated as threatened and/or endangered under the ESA.

I. Factual Background

The Delta is a unique and invaluable natural resource, and an integral part of California's water system. The Delta provides water for more than 25 million people and over 3.7 million acres of irrigated farmland. The Delta also provides habitat for many species of fish, birds, mammals, and plants, supports agricultural and recreational activities, and is the focal point for water distribution throughout the state. California Department of Water Resources, *Sacramento San Joaquin Delta Overview*, p. 2; State Water Resources Control Board, et al., *Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (July 2008), p. 23.

For more than a century, the Delta has been dramatically affected by human activities, ranging from the introduction of invasive species to urbanization, that collectively pose a threat to the Delta ecosystem. Contaminants and other forms of water pollution in the Delta impair wildlife and aquatic life, drinking water, and agricultural beneficial uses. The introduction of such contaminants in water and sediment directly affects aquatic plant and animal species through toxicity that results in mortality, or indirectly by reducing habitat suitability, food supply, and the fitness of individual organisms. *Strategic Workplan*, p. 25.

[3] The City and County are Co-Permittees on the 2002 Permit and the 2007 Permit.

II. The Affected Parties

The Affected Parties include agricultural water users, water districts, and an individual, all residing in the San Joaquin Valley and all of whom have been directly injured by the acts of the Permittees that are the subject of this notice. The Affected Parties have specific interests in and have been specifically impacted by harm to the overall health of the Delta and its ecosystem and species, including the quality of water in the Delta waterways, caused by the Permittees' illegal discharges under the CWA and violations of take prohibitions under the ESA.

The Affected Parties' contact information is:

Steven D. Jackson
Coalition for a Sustainable Delta
9530 Hageman Road, Suite B-339
Bakersfield, CA 93312
Telephone: (661) 391-3790

The Affected Parties are being represented by counsel with respect to this matter. Contact information for the Affected Parties' counsel is:

Joshua A. Bloom
Barg Coffin Lewis & Trapp LLP
350 California Street, 22nd Floor
San Francisco, CA 94104
Telephone: (415) 228-5400

III. Clean Water Act Violations

A. The Clean Water Act

The CWA prohibits the discharge of any pollutant from a point source into the waters of the United States, except pursuant to and in compliance with a National Pollutant Discharge Elimination System ("NPDES") permit or as may otherwise be authorized. 33 U.S.C. §§ 1311(a), 1342(a). The CWA defines "pollutant" broadly to include:

> [D]redged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

33 U.S.C. § 1362(6).

Exhibit A

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Section 402 of the CWA requires the Environmental Protection Agency ("EPA"), or the state agency administering the CWA, to issue permits for municipal stormwater discharges. 33 U.S.C. § 1342. EPA has defined "stormwater" as "stormwater runoff, snow melt runoff, and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13). Permits for discharges from municipal separate storm sewer systems: (1) are issued on a system- or jurisdiction-wide basis; (2) include requirements to effectively prohibit non-stormwater discharges into the storm sewers; and (3) require controls to reduce the discharge of pollutants to the maximum extent practicable. 33 U.S.C. § 1342(p)(3)(B). In accordance with these provisions, the Central Valley Regional Water Quality Control Board ("Regional Board") issued the 2002 Permit and the 2007 Permit (collectively, the "MS4 Permits") to the Permittees. *See* 2002 Permit, p. 5, ¶ 17; *see also* 2007 Permit, p. 6, ¶ 19.

B. Permittees' Violations of the CWA

The MS4 Permits address the "Stockton Urbanized Area," which includes the City and County urbanized areas that are both enclosed within, and surround, the City. 2007 Permit, p. 2, ¶ 4; 2002 Permit, p. 1, ¶ 4. Due to its classification as a large municipality, the City is required to obtain an NPDES municipal stormwater permit. 2007 Permit; pp. 1-2, ¶ 3; *see also* 2002 Permit, p. 1, ¶ 3. In addition, due to the proximity of the County's urbanized areas to the City, those urbanized areas' physical interconnections to the City's storm sewer system, and the locations of those areas' discharges relative to the City's system, the County is also designated as part of the municipal separate storm sewer system ("MS4"). 2007 Permit, p. 2, ¶ 4; *see also* 2002 Permit, p. 1, ¶ 4.

Under the MS4 Permits, the Permittees have jurisdiction over and/or maintenance responsibilities for storm drains in the Stockton Urbanized Area. 2007 Permit, p. 2, ¶ 5; 2002 Permit, p. 2, ¶ 5. The stormwater discharge from the City and County covered under the MS4 Permits:

> [C]onsists of surface runoff generated from various land uses that discharge into storm drains, which in turn discharge to natural drainage watersheds. The major natural drainage watersheds in the Stockton Urbanized Area are Bear Creek, Mosher Slough, Five Mile Slough, Fourteen Mile Slough, the Calaveras River, Smith Canal, the Deep Water Channel, Mormon Slough, Walker Slough, Duck Creek, and Little Johns Creek. Smith Canal and Five Mile Slough receive stormwater runoff only from the Stockton Urbanized Area. In addition to stormwater runoff from the Stockton Urbanized Area, Calaveras River, Mosher Slough, and Walker Slough also at times receive stormwater runoff from agricultural areas and agricultural return (tail water) upstream of the Stockton Urbanized Area. All of these water bodies discharge to the Sacramento-San Joaquin River Delta and are tidal freshwater within the Stockton Urbanized Area with a one- to three-foot tide. In most areas of the Stockton Urbanized Area, dry weather flow and storm water runoff are pumped to sloughs/rivers. These drain westerly into

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the San Joaquin River, which runs along the western side of the Stockton Urbanized Area.

2002 Permit, p. 2, ¶ 5; *see also* 2007 Permit at p. 2, ¶ 5.

With respect to stormwater discharges, the MS4 Permits issued to the City and County specifically prohibit, among other things:

- Discharges from MS4s "in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance" as defined in California Water Code section 13050. 2007 Permit, p. 28, § A.1; 2002 Permit, p. 16, § A.1.

- Discharges from MS4s "which cause or contribute to exceedances of receiving water quality standards for surface water or ground water." 2007 Permit, p. 28, § A.2; 2002 Permit, p. 16, § A.2.

- Discharges from MS4s "containing pollutants which have not been reduced to the [maximum extent practicable ("MEP")]." 2007 Permit, p. 28, § A.3; 2002 Permit, p. 16, § A.3.

In addition, each Permittee is required to prohibit all types of non-stormwater discharges into its MS4s unless such discharges are either authorized by a separate NPDES permit or not otherwise prohibited by the permits. 2007 Permit, p. 28, § B.1; 2002 Permit, p. 16, § B.1. The Permittees are also subject to certain receiving water limitations. 2007 Permit, pp. 30-33, §C; 2002 Permit, pp. 18-19, § C.

The MS4 Permits also require the Permittees to implement control measures and take other actions to reduce pollutants in the discharge. Among other things, the Permittees must:

- Comply with the requirements of the MS4 Permits and the Stormwater Management Plan ("SWMP"). 2007 Permit, pp. 32-33, §§ D.1-4; 2002 Permit, pp. 25-26, § D.9.

- Modify the SWMP to address the requirements of the Permit, including implementing newly developed or updated Best Management Practices ("BMPs") and assessment tools/performance standards into applicable annual revisions to the SWMP and adhering to implementation of the new/revised BMPs. 2007 Permit, pp. 33-34, § D3; 2002 Permit, pp. 21-22, § D.5.

- Implement the core program elements outlined in the MS4 Permits. 2007 Permit, pp. 38-46, § D.9-14; 2002 Permit, pp. 26-44, §§ D.10-14.

- Comply with the Monitoring and Reporting Program to ensure compliance with the waste discharge requirements. 2007 Permit, p. 61, §31, Monitoring and Reporting Program; 2002 Permit, p. 44, § 15, Monitoring and Reporting Program.

- Develop and implement water quality based control programs, including among other things, a Pesticide Plan, a Pathogens Plan, a Dissolved Oxygen Plan; and a Mercury Plan. 2007 Permit, pp. 55-60, § D.28; 2002 Permit, pp. 45-49, §§ D.18.

- File a Report of Water Quality Exceedance ("RWQE") that describes the BMPs that are being implemented and additional BMPs that will be implemented to prevent or reduce pollutants that have caused or are causing the exceedance of applicable water quality standards. 2007 Permit, pp. 31-32, § C.3; 2002 Permit, pp. 19-20, § D.1.

The Permittees have continuously failed to comply with the terms of the MS4 Permits by: (1) causing conditions of pollution and causing or contributing to exceedances of applicable water quality standards by discharging stormwater containing pollutants into the Delta and its tributaries, and failing to adequately respond to those exceedances; (2) failing to adequately and effectively implement the SWMPs; and (3) failing to adequately and effectively implement the plans and management measures set forth in the MS4 Permits.

The Permittees have failed to comply with the terms of the MS4 Permits by causing conditions of pollution and causing or contributing to exceedances of applicable water quality standards. Attachment A is a summary of known urban discharge and receiving water exceedances, based on the Permittees' own reports or similar documentation, associated with stormwater discharges by the Permittees. The violations set forth in the attachment are limited to those violations presently known to the Affected Parties. There may be additional exceedances not identified in Attachment A. In addition, there is evidence that the Permittees may have underreported exceedances under the MS4 Permits. Incorporated by reference in this notice are all of the Permittees' violations of the MS4 Permits occurring five years prior to the date of this letter. Evidence available to the Affected Parties indicates that exceedances are ongoing, and the Affected Parties expect to discover evidence of additional exceedances.

The Permittees also have failed to comply with the MS4 Permits with respect to repeated exceedances of water quality standards by failing to undertake the required procedures to address exceedances. The MS4 Permits require that certain procedures be followed when exceedances of water quality standards are found to have occurred, including implementation of additional BMPs and other measures to address the exceedance(s) and revision of the SWMP to incorporate such additional management measures. In addition, the Permittees have failed to adequately and effectively implement

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the SWMP and the plans and BMPs set forth in the MS4 Permits and SWMP, including the plans specifically required by the MS4 Permits to control discharges of pesticides, pathogens, and dissolved oxygen in receiving waters.

In sum, the Permittees have violated and continue to violate the CWA by failing to comply with the terms and conditions of the MS4 Permits, including but not limited to: discharge prohibitions, applicable receiving water standards and response requirements, monitoring and reporting requirements, and operation and maintenance requirements. These violations will continue into the future unless enjoined by a court. The resulting exceedances of water quality standards from the Permittees' activities cause degradation of aquatic ecological communities and diminishment of animal and plant populations in receiving waters in the Delta, and adversely impact beneficial uses of those receiving waters in violation of the MS4 Permits.

IV. Endangered Species Act Violations

A. The Endangered Species Act

The ESA prohibits the "take" of endangered fish or wildlife. 16 U.S.C. § 1538(a)(1)(B) (stating, in part, that "with respect to any endangered species of fish or wildlife listed pursuant to section 1533 of this title it is unlawful for any person subject to the jurisdiction of the United States to … take any such species within the United States or the territorial sea of the United States."). The ESA expressly provides that the United States Fish & Wildlife Service ("FWS") and National Marine Fisheries Service ("NMFS") may extend this take prohibition to threatened species, such as the delta smelt. 16 U.S.C. § 1533(d) ("The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 1538(a)(1) of this title, in the case of fish or wildlife…"). FWS and NMFS have by regulation extended the take prohibition to the threatened delta smelt, Central Valley spring-run chinook salmon, and Central Valley steelhead. 50 C.F.R. §§ 17.11, 17.21(c), 17.31(a), 222.301(b), 223.102(a), 223.203(a).

The ESA defines "take" to include, among other things, "harass," "harm," and "kill," or "attempt to engage in such conduct." 16 U.S.C. § 1532(19). FWS and the NMFS have further defined the term "harm" to include "significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering." 50 C.F.R. § 222.102.

B. Permittees' Violations of the ESA

The contaminants at issue with regard to Permittees' CWA violations directly harm the ecosystem of the Delta and species that are found in the Delta and its tributaries. *See, e.g.*, Interagency Ecological Program, *Pelagic Organism Decline Progress Report 2007 Synthesis of Results* (Jan. 15, 2008), pp. 13-15; State of California, *Pelagic Fish Action*

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Plan (March 2007), pp. 63-65; State of California, *Delta Smelt Action Plan* (Oct. 2005), pp. 16-18. Elevated levels of numerous contaminants – including metals and pesticides – have been reported in the Delta. *E.g.*, Jewel Bennett et al., *Tissue Residues and Hazards of Water-Borne Pesticides For Federally-Listed and Candidate Fishes of the Sacramento-San Joaquin River Delta, California: 1993-1995* (2001); Kathryn M. Civil & G. Edward Moon, *Potential Exposure of Larval and Juvenile Delta Smelt to Dissolved Pesticides in the Sacramento-San Joaquin River Delta, California*, 39 American Fisheries Society Symposium 229 (2004).

Pollutants can affect both native fishes and other aquatic organisms that are critical elements of the Delta ecological food web. The effects may be lethal. More often, the effects are sublethal. These harmful effects can range from decreased ability to detect prey and avoid predation, to impaired reproductive function. For example, copper has been found to interfere with the sensory physiology of juvenile Coho salmon. David H. Baldwin et. al, *Sub lethal Effects of Copper on Coho Salmon: Impacts on Nonoverlapping Receptor Pathways in the Peripheral Olfactory Nervous System*, 22 Environmental Toxicology & Chemistry 2266 (2003). Nevertheless, chronic exposure and synergistic effects of multiple contaminants along with other stressors are likely to cause significant ecosystem deterioration in the Delta.

Contaminant concentrations are usually highest following rain events that deposit substantial stormwater runoff in the Delta. V. Connor et. al, *Sacramento River Basin Biotoxicity Survey Results 1988-1990* (1993). For this reason, effective regulation of municipal storm sewer system discharges is a critical element to sustaining the overall health of the Delta, including its native fish species and other aquatic organisms.

The introduction of contaminants into the Delta not only harms and results in the taking of aquatic organisms, including listed fish species, but it also is one of the many factors that contribute to significant population-level declines in a number of federally protected fish species that are listed as threatened or endangered under the ESA. The affected species are as follows.

1. Sacramento River winter-run chinook salmon

The Sacramento River winter-run chinook salmon is an anadromous fish that migrates through the Delta to the upper Sacramento River from December to May. Anadromous fish spend most of their life in the ocean, but must enter fresh water rivers and streams to spawn. NMFS listed the Sacramento River winter-run chinook salmon as an endangered species on January 4, 1994. 59 Fed. Reg. 440 (Jan. 4, 1994). NMFS designated critical habitat for the Sacramento River winter-run chinook salmon on June 16, 1993. 58 Fed. Reg. 33,212 (June 16, 1993).

2. Central Valley spring-run chinook salmon

The Central Valley spring-run chinook salmon is an anadromous fish that migrates through the Delta to the upper Sacramento River from March to July. NMFS listed the Central Valley spring-run chinook salmon as a threatened species on September 16, 1999. 64 Fed. Reg. 50,394 (Sept. 16, 1999). NMFS designated critical habitat for the Central Valley spring-run chinook salmon on September 2, 2005. 70 Fed. Reg. 52,488 (Sept. 2, 2005).

3. Central Valley steelhead

The Central Valley steelhead is a coastal fish that occupies the Sacramento and San Joaquin rivers and their tributaries. Steelhead and rainbow trout are the same specie; however, steelhead are anadromous whereas rainbow trout permanently reside in freshwater. NMFS listed the Central Valley steelhead as a threatened species on March 19, 1998. 63 Fed. Reg. 13,347 (March 19, 1998). NMFS designated critical habitat for the Central Valley steelhead on September 2, 2005. 70 Fed. Reg. 52,488 (Sept. 2, 2005). The City of Stockton and surrounding areas fall within the area designated as critical habitat. *Id.* at 52,621.

4. The Delta Smelt

The delta smelt is a small pelagic fish with a narrow geographic range, limited to low-salinity and freshwater habitats of the Delta. 58 Fed. Reg. 12,854 (March 5, 1993) (final rule listing the delta smelt as threatened). The delta smelt is "the only true native estuarine species found in the Delta." *Id.* The delta smelt is one of a number of pelagic organisms that are in decline in the Delta. *Pelagic Fish Action Plan*, p. 10. The sources of the pelagic organism decline in the Delta are manifold. *Id.* (identifying numerous contributors to the decline of the Delta's health, and indicating that more research is essential to evaluate those contributors). FWS listed the delta smelt as a threatened species on March 5, 1993. 58 Fed. Reg. at 12,854. FWS designated critical habitat for the delta smelt on December 19, 1994. 59 Fed. Reg. 65,256 (Dec. 19, 1994). A significant proportion of the City of Stockton and surrounding areas fall within the area designated as Critical Habitat. *See* United States Department of the Interior Fish and Wildlife Service Sacramento, California, Delta Smelt (*Hypomesus transpacificus*) Final Critical Habitat Map (June 16, 2003), available at http://www.fws.gov/sacramento/es/maps/delta_smelt_ch.pdf.

These fish species reside in Delta waters at or near-downstream of locations of pollutant discharge by the City and County. Those locations have been and are being subjected to diminished habitat quality, compromising areas used by those federally protected species for reproduction, foraging, shelter, and dispersal. The fish and the biotic resources upon which they depend are being subjected to conditions that cause either direct

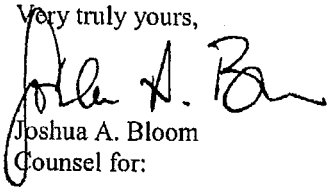
mortality, or alterations in behavior or physiological condition that diminish their vigor or capacity to reproduce.

The Permittees are responsible for discharges of pollutants in violation of permitted limits and their discharges that are resulting in the take of listed fish species, including the Sacramento River winter-run chinook salmon, the Central Valley spring-run chinook salmon, the Central Valley steelhead, and the delta smelt.

V. Conclusion

The Permittees have violated and continue to violate the CWA by failing to comply with the terms and conditions of the MS4 Permits. Furthermore, the Permittees have violated and continue to violate the ESA by discharging pollutants at levels that result in the take of listed species. These violations will continue unless enjoined by a court. These illegal actions by the Permittees have contributed to the decline of the overall health of the Delta ecosystem and its native species, which in turn have had a direct impact on the Affected Parties.

Very truly yours,



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Attachment A

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2003						
12/24/03	Diazinon	Mosher Slough	.05 ug/L	.11 ug/L	.11 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	E. Coli	Mosher Slough	235 MPN/100 mL	8000 MPN/100 mL	28,000 MPN/100 mL	2003-2004 Annual Report, Attachment C
12/24/03	Fecal Coliform	Mosher Slough	400 MPN/100 mL	8000 MPN/100 mL	28,000 MPN/100 mL	2003-2004 Annual Report, Attachment C
12/24/03	Iron	Mosher Slough	300 ug/L	310 ug/L	375 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Lead	Mosher Slough	1.21682 ug/L	3.7 ug/L	1.3 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	1.3 ug/L	2.2 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Cadmium	Calaveras River	.98154 ug/L	.44 ug/L	2.2 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Copper	Calaveras River	3.42925 ug/L	13 ug/L	7.1 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Diazinon	Calaveras River	.05 ug/L	.16 ug/L	.1 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	DO	Calaveras River	5 mg/L	9.4 mg/L	4.6 mg/L	2003-2004 Annual Report, Attachment C
12/24/03	E. Coli	Calaveras River	235 MPN/100 mL	2300 MPN/100 mL	2300 MPN/100 mL	2003-2004 Annual Report, Attachment C
12/24/03	Fecal Coliform	Calaveras River	400 MPN/100 mL	2300 MPN/100 mL	2300 MPN/100 mL	2003-2004 Annual Report, Attachment C

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
12/24/03	Iron	Calaveras River	300 ug/L	903 ug/L	510 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Lead	Calaveras River	.71639 ug/L	13 ug/L	6.1 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Zinc, dissolved	Calaveras River	43.7949 ug/L	68 ug/L	44 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Zinc, total recoverable	Calaveras River	44.4168 ug/L	170 ug/L	74 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	E. Coli	Duck Creek	235 MPN/100 mL	13000 MPN/100 mL	8000 MPN/100 mL	2003-2004 Annual Report, Attachment C
12/24/03	Fecal Coliform	Duck Creek	400 MPN/100 mL	13000 MPN/100 mL	8000 MPN/100 mL	2003-2004 Annual Report, Attachment C
12/24/03	Mercury	Duck Creek	.05 ug/L	.0032 ug/L	.31 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	4,4'-DDD	Smith Canal	.00083 ug/L	.023 ug/L	.0024 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Diazinon	Smith Canal	.05 ug/L	.15 ug/L	.053 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	DO	Smith Canal	5 mg/L	10.2 mg/L	2.8 mg/L	2003-2004 Annual Report, Attachment C
12/24/03	E. Coli	Smith Canal	235 MPN/100 mL	50000 MPN/100 mL	5000 MPN/100 mL	2003-2004 Annual Report, Attachment C
12/24/03	Fecal Coliform	Smith Canal	400 MPN/100 mL	50000 MPN/100 mL	5000 MPN/100 mL	2003-2004 Annual Report, Attachment C
12/24/03	Heptachlor	Smith Canal	.00021 ug/L	.01 ug/L	.0061 ug/L	2003-2004 Annual Report, Attachment C
12/24/03	Iron, total	Smith Canal	300 ug/L	740 ug/L	340 ug/L	2003-2004 Annual Report, Attachment C

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
12/24/03	Mercury, total	Smith Canal	.05 ug/L	.0045 ug/L	.44 ug/L	2003-2004 Annual Report, Attachment C
2004						
2/2/04	4,4'-DDT	Mosher Slough	.00059	<.01 ug/L	.026 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Cadmium	Mosher Slough	2.08657 ug/L	.14 ug/L	3 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Diazinon	Mosher Slough	.05 ug/l	.49 ug/L	.29 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Fecal Coliform	Mosher Slough	400 MPN/100 mL	1700 MPN/100 mL	13000 MPN/100 mL	2003-2004 Annual Report, Attachment C
2/2/04	Iron, total	Mosher Slough	300 ug/L	464 ug/L	359 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Mercury, total	Mosher Slough	.05 ug/L	.0033 ug/L	.24 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	4,4'-DDT	Calaveras River	.00059 ug/L	<.01 ug/L	.027 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Aluminum, total	Calaveras River	1000 ug/L	2300 ug/L	1800 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Cadmium	Calaveras River	.77646 ug/L	.32 ug/L	7.7 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Copper, dissolved	Calaveras River	2.55 ug/L	5.7 ug/L	4.4 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Copper, total recoverable	Calaveras River	2.65722 ug/L	14 ug/L	9.4 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Diazinon	Calaveras River	.05 ug/L	.58 ug/L	.77 ug/L	2003-2004 Annual Report, Attachment C

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/2/04	Dibenzo(a,h) anthracene	Calaveras River	.0044 ug/L	<.1 ug/L	.044 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Fecal Coliform	Calaveras River	400 MPN/100 mL	3000 MPN/100 mL	1700 MPN/100 mL	2003-2004 Annual Report, Attachment C
2/2/04	Iron, total	Calaveras River	300 ug/L	468 ug/L	720 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Lead, total recoverable	Calaveras River	.48992 ug/L	11 ug/L	4.6 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Mercury	Calaveras River	.05 ug/L	.0065 ug/L	.13 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Pentachlorophenol	Calaveras River	.28 ug/L	3.2 ug/L	.34 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Zinc	Calaveras River	34.4912 ug/L	130 ug/L	64 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	4,4'-DDT	Duck Creek	.00059 ug/L		.026 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Benzidine	Duck Creek	.00012 ug/L		5.2 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Cadmium, total recoverable	Duck Creek	3.20649 ug/L		5.9 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Diazinon	Duck Creek	.05 ug/L		.29 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Dibenzo(a,h) anthracene	Duck Creek	.0044 ug/L		.055 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Fecal Coliform	Duck Creek	400 MPN/100 mL	5000 MPN/100 mL	700 MPN/100 mL	2003-2004 Annual Report, Attachment C
2/2/04	Iron, total	Duck Creek	300 ug/L		370 ug/L	2003-2004 Annual Report, Attachment C

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/2/04	Mercury	Duck Creek	.05 ug/L		.071 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Aluminum, total	Smith Canal	1000 ug/L	3900 ug/L	1200 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Cadmium, total recoverable	Smith Canal	2.46201 u/L	.4 ug/L	3.7 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Diazinon	Smith Canal	.05 ug/L	.53 ug/L	.1 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Fecal Coliform	Smith Canal	400 MPN/100 mL	23000 MPN/100 mL	8000 MPN/100 mL	2003-2004 Annual Report, Attachment C
2/2/04	Iron, total	Smith Canal	300 ug/L	866 ug/L	488 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Lead, total recoverable	Smith Canal	3.18159 ug/L	31 ug/L	4.2 ug/L	2003-2004 Annual Report, Attachment C
2/2/04	Mercury	Smith Canal	.05 ug/L	.004 ug/L	.1 ug/L	2003-2004 Annual Report, Attachment C
2/16/04	Aluminum, total	Duck Creek	1000 ug/L	1000 ug/L	1400 ug/L	2003-2004 Annual Report, Attachment C
2/16/04	Cadmium, total recoverable	Duck Creek	2.36483 ug/L	.42 ug/L	3.7 ug/L	2003-2004 Annual Report, Attachment C
2/16/04	Diazinon	Duck Creek	.05 ug/L	<.05 ug/L	.12 ug/L	2003-2004 Annual Report, Attachment C
2/16/04	Dieldrin	Duck Creek	.00014 ug/L	.0025 ug/L	.0027 ug/L	2003-2004 Annual Report, Attachment C
2/16/04	E. Coli	Duck Creek	235 MPN/100 mL	3000 MPN/100 mL	400 MPN/100 mL	2003-2004 Annual Report, Attachment C
2/16/04	Iron, total	Duck Creek	300 ug/L	1400 ug/L	740 ug/L	2003-2004 Annual Report, Attachment C

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/16/04	Lead, total recoverabl	Duck Creek	2.98048 ug/L	4.8 ug/L	4.5 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Diazinon	Mosher Slough	.05 ug/L	.57 ug/L	.3 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Iron, total	Mosher Slough	300 ug/L	40 ug/L	1000 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Mercury	Mosher Slough	.05 ug/L	.0021 ug/L	.38 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Bis(2-chloroethyl) ether	Calaveras River	.031 ug/L	<1 ug/L	.19 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Iron, total	Calaveras River	300 ug/L	1400 ug/L	830 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Mercury	Calaveras River	.05 ug/L	.0025 ug/L	.26 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Aluminum	Duck Creek	87 ug/L	58 ug/L	190 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Bis(2-chloroethyl) ether	Duck Creek	.031 ug/L	.11 ug/L	.056 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Fecal Coliform	Duck Creek	400 MPN/100 mL	300000 MPN/100 mL	1,100 MPN/100 mL	2003-2004 Annual Report, Attachment C
5/16/04	Iron, total	Duck Creek	300 ug/L	720 ug/L	4000 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Lead, total recoverable	Duck Creek	1.35015 ug/L	.83 ug/L	1.6 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Mercury	Duck Creek	.05 ug/L	.0023 ug/L	.35 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	DO	Smith Canal	5 mg/L	4.2 mg/L	3.8 mg/L	2003-2004 Annual Report, Attachment C

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
5/16/04	Iron, total	Smith Canal	300 ug/L	540 ug/L	650 ug/L	2003-2004 Annual Report, Attachment C
5/16/04	Mercury, total	Smith Canal	.05 ug/L	.0023 ug/L	.19 ug/L	2003-2004 Annual Report, Attachment C
6/12/04	Iron, total	Calaveras River	300 ug/L	1200 ug/L	920 ug/L	2003-2004 Annual Report, Attachment C
6/12/03	Mercury, total	Calaveras River	.05 ug/L	.0094 ug/L	1.4 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Aluminum	Mosher Slough	1000 ug/L	10 ug/L	1100 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Cadmium, total recoverable	Mosher Slough	2.65333 ug/L	1.1 ug/L	3.5 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Fecal Coliform	Mosher Slough	400 MPN/100 mL	17000 MPN/100 mL	9000 MPN/100 mL	2003-2004 Annual Report, Attachment C
6/13/04	Iron, total	Mosher Slough	300 ug/L	190 ug/L	2100 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Mercury	Mosher Slough	.05 ug/L	.0033 ug/L	.54 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Aluminum, dissolved	Duck Creek	87 ug/L	39 ug/L	120 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Aluminum, total	Duck Creek	1000 ug/L	340 ug/L	1100 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Cadmium, total	Duck Creek	1.45102 ug/L	1.1 ug/L	1.7 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Iron, total	Duck Creek	300 ug/L	1100 ug/L	5200 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Mercury, total	Duck Creek	.05 ug/L	.0042 ug/L	.47 ug/L	2003-2004 Annual Report, Attachment C

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
6/13/04	4,4'-DDD	Smith Canal	.00083 ug/L	.024 ug/L	.0059 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	4,4'-DDE	Smith Canal	.00059 ug/L	.012 ug/L	.0036 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Cadmium, total recoverable	Smith Canal	3.38499 ug/L	1.1 ug/L	4.1 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Fecal Coliform	Smith Canal	400 MPN/100 mL	60000 MPN/100 mL	1,100 MPN/100 mL	2003-2004 Annual Report, Attachment C
6/13/04	Iron, total	Smith Canal	300 ug/L	1300 ug/L	1900 ug/L	2003-2004 Annual Report, Attachment C
6/13/04	Mercury, total	Smith Canal	.05 ug/L	.0033 ug/L	.98 ug/L	2003-2004 Annual Report, Attachment C
9/1/04	Oil/Grease	Mosher Slough	0 mg/L	1.1 mg/L		2004-2005 Annual Report, p. 9-32
9/1/04	E. Coli	Mosher Slough	235 MPN/100mL	130,000 MPN/100mL	13,000 MPN/100mL	2004-2005 Annual Report, p. 9-32
9/1/04	Fecal Coli	Mosher Slough	400 MPN/100mL	130,000 MPN/100mL	13,000 MPN/100mL	2004-2005 Annual Report, p. 9-32
9/1/04	Aluminum	Mosher Slough	200 ug/L		530 ug/L	2004-2005 Annual Report, p. 9-32
9/1/04	Iron	Mosher Slough	300 ug/L	3,000 ug/L	490 ug/L	2004-2005 Annual Report, p. 9-32
9/1/04	Mercury	Mosher Slough	0.05 ug/L		0.56 ug/L	2004-2005 Annual Report, p. 9-32
9/1/04	Aldrin	Mosher Slough	0.00013 ug/L	0.0024 ug/L		2004-2005 Annual Report, p. 9-32
9/1/04	gamma-Chlordane	Mosher Slough	0.00057 ug/L		0.024 ug/L	2004-2005 Annual Report, p. 9-32

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
9/1/04	Heptachlor	Mosher Slough	0.00021 ug/L	0.0059 ug/L	0.00050 ug/L	2004-2005 Annual Report, p. 9-32
9/1/04	PCB-1260	Mosher Slough	0.00017 ug/L	0.094 ug/L	0.062 ug/L	2004-2005 Annual Report, p. 9-32
9/1/04	Chlorpyrifos	Mosher Slough	0.014 ug/L	0.05 ug/L		2004-2005 Annual Report, p. 9-32
9/1/04	Diazinon	Mosher Slough	0.05 ug/L	0.11 ug/L		2004-2005 Annual Report, p. 9-32
9/1/04	bis(2-ethylexyl)phthalate	Mosher Slough	1.8 ug/L	2.9 ug/L	1.9 ug/L	2004-2005 Annual Report, p. 9-32
9/1/04	Oil/Grease	Calaveras River	0 ug/L	1.7 ug/L		2004-2005 Annual Report, p. 9-33
9/1/04	E. Coli	Calaveras River	235 MPN/100 mL	1,100 ug/L		2004-2005 Annual Report, p. 9-33
9/1/04	Fecal Coli	Calaveras River	400 MPN/100 mL	1,100 ug/L		2004-2005 Annual Report, p. 9-33
9/1/04	Aluminum	Calaveras River	200 ug/L		120,000 ug/L	2004-2005 Annual Report, p. 9-33
9/1/04	Iron	Calaveras River	300 ug/L	1,500 ug/L	1,900 ug/L	2004-2005 Annual Report, p. 9-33
9/1/04	Mercury	Calaveras River	.05 ug/L		2.1 ug/L	2004-2005 Annual Report, p. 9-33
9/1/04	Aldrin	Calaveras River	.00013 ug/L	.0075 ug/L	.0018 ug/L	2004-2005 Annual Report, p. 9-33
9/1/04	Alpha-BHC	Calaveras River	.0039 ug/L	.0053 ug/L		2004-2005 Annual Report, p. 9-33
9/1/04	Heptachlor	Calaveras River	.0021 ug/L	.0053 ug/L	.0037 ug/L	2004-2005 Annual Report, p. 9-33

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
9/1/04	PCB-1016	Calaveras River	.00017 ug/L		.094 ug/L	2004-2005 Annual Report, p. 9-33
9/1/04	PCB-1260	Calaveras River	.00017 ug/L		.058 ug/L	2004-2005 Annual Report, p. 9-33
9/1/04	bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	3.0 ug/L		2004-2005 Annual Report, p. 9-33
9/1/04	Oil/Grease	Duck Creek	0 mg/L	2.2 mg/L		2004-2005 Annual Report, p. 9-34
9/1/04	E. Coli	Duck Creek	235 MPN/100 mL	8,000 MPN/100 mL		2004-2005 Annual Report, p.9-34
9/1/04	Fecal Coli	Duck Creek	400 MPN/100 mL	8,000 MPN/100 mL		2004-2005 Annual Report, p. 9-34
9/1/04	Aluminum	Duck Creek	200 ug/L	120,000 ug/L	280 ug/L	2004-2005 Annual Report, p. 9-34
9/1/04	Arsenic	Duck Creek	50 ug/L	82 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Berylium	Duck Creek	4 ug/L	4.4 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Cadmium	Duck Creek	Adjusted CTR	21 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Copper	Duck Creek	Adjusted CTR	670 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Iron	Duck Creek	300 ug/L	190,000 ug/L	5,500 ug/L	2004-2005 Annual Report, p. 9-34
9/1/04	Lead	Duck Creek	Adjusted CTR	270 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Mercury	Duck Creek	.05 ug/L	.54 ug/L	.68 ug/L	2004-2005 Annual Report, p. 9-34

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
9/1/04	Nickel	Duck Creek	Adjusted CTR	310 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Selenium	Duck Creek	5 ug/L	5.7 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Zinc	Duck Creek	Adjusted CTR	10,000 ug/L		2004-2005 Annual Report, p. 9-34
9/1/04	Aldrin	Duck Creek	.00013 ug/L	.0015 ug/L	.0045 ug/L	2004-2005 Annual Report, p. 9-34
9/1/04	Heptachlor	Duck Creek	.00021 ug/L	.0024 ug/L	.014 ug/L	2004-2005 Annual Report, p. 9-34
9/1/04	PCB-1260	Duck Creek	.00017 ug/L	.057 ug/L	.50 ug/L	2004-2005 Annual Report, p. 9-34
9/1/04	Bis(2-ethylhexyl) phthalate	Duck Creek	1.8 ug/L	2.8 ug/L	5.4 ug/L	2004-2005 Annual Report, p. 9-34
9/1/04	Chloride	Smith Canal	106 mg/L		110 mg/L	2004-2005 Annual Report, p. 9-35
9/1/04	Oil/Grease	Smith Canal	0 mg/L	.86 mg/L	1.8 mg/L	2004-2005 Annual Report, p. 9-35
9/1/04	EC	Smith Canal	700 umhos/cm		750 umhos/cm	2004-2005 Annual Report, p. 9-35
9/1/04	E. Coli	Smith Canal	235 MPN/100 mL	13,000 MPN/100 mL		2004-2005 Annual Report, p. 9-35
9/1/04	Fecal Coli	Smith Canal	400 MPN/100 mL	13,000 MPN/100 mL		2004-2005 Annual Report, p. 9-35
9/1/04	Aluminum	Smith Canal	200 ug/L		2,100 ug/L	2004-2005 Annual Report, p. 9-35
9/1/04	Iron	Smith Canal	300 ug/L	2,500 ug/L	5,400 ug/L	2004-2005 Annual Report, p. 9-35

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
9/1/04	Lead	Smith Canal	Adjusted CTR		7.5 ug/L	2004-2005 Annual Report, p. 9-35
9/1/04	Mercury	Smith Canal	.05 ug/L		1.1 ug/L	2004-2005 Annual Report, p. 9-35
9/1/04	Aldrin	Smith Canal	.00013 ug/L	.0014 ug/L	.0012 ug/L	2004-2005 Annual Report, p. 9-35
9/1/04	4,4'-DDE	Smith Canal	.00059 ug/L	.0061 ug/L		2004-2005 Annual Report, p. 9-35
9/1/04	4,4'-DDT	Smith Canal	.00059 ug/L	.0071 ug/L		2004-2005 Annual Report, p. 9-35
9/1/04	Dieldrin	Smith Canal	.00014 ug/L	.0046 ug/L		2004-2005 Annual Report, p. 9-35
9/1/04	Heptachlor	Smith Canal	.00021 ug/L	.0036 ug/L	.0056 ug/L	2004-2005 Annual Report, p. 9-35
9/1/04	Heptachlor epoxide	Smith Canal	.0001 ug/L	.0036 ug/L	.0014 ug/L	2004-2005 Annual Report, p. 9-35
9/1/04	PCB-1260	Smith Canal	.00017 ug/L	.097 ug/L	.057 ug/L	2004-2005 Annual Report, p. 9-35
9/1/04	Bis(2-ethylhexyl) phthalate	Smith Canal	1.8 ug/L	2.7 ug/L		2004-2005 Annual Report, p. 9-35
10/17/04	Oil/Grease	Calaveras River	0 mg/L	.5 mg/L	4.5 mg/L	2004-2005 Annual Report, p. 9-33
10/17/04	E. Coli	Calaveras River	235 MPN/100 mL	3,000 MPN/100 mL	1,000 MPN/100 mL	2004-2005 Annual Report, p. 9-33
10/17/04	Fecal Coliform	Calaveras River	400 MPN/100 mL	3,000 MPN/100 mL	1,000 MPN/100 mL	2004-2005 Annual Report, p. 9-33
10/17/04	Aluminum	Calaveras River	200 ug/L	6,200 ug/L		2004-2005 Annual Report, p. 9-33

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
10/17/04	Antimony	Calaveras River	6 ug/L	7.5 ug/L		2004-2005 Annual Report, p. 9-33
10/17/04	Cadmium	Calaveras River	Adjusted CTR	2.3 ug/L		2004-2005 Annual Report, p. 9-33
10/17/04	Copper	Calaveras River	Adjusted CTR	73 ug/L		2004-2005 Annual Report, p. 9-33
10/17/04	Iron	Calaveras River	300 ug/L	10,000 ug/L	420 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Lead	Calaveras River	Adjusted CTR	65 ug/L		2004-2005 Annual Report, p. 9-33
10/17/04	Mercury	Calaveras River	.05 ug/L		.34 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Zinc	Calaveras River	Adjusted CTR	1,000 ug/L		2004-2005 Annual Report, p. 9-33
10/17/04	Aldrin	Calaveras River	.00013 ug/L		.0011 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Alpha-BHC	Calaveras River	.0039 ug/L	.043 ug/L	.019 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Beta-BHC	Calaveras River	.014 ug/L	.15 ug/L		2004-2005 Annual Report, p. 9-33
10/17/04	Gamma-BHC	Calaveras River	.019 ug/L	.047 ug/L		2004-2005 Annual Report, p. 9-33
10/17/04	Dieldrin	Calaveras River	.00014 ug/L		.0040 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Heptachlor	Calaveras River	.00021 ug/L	.023 ug/L	.0078 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Heptachlor epoxide	Calaveras River	.0001 ug/L	.014 ug/L	.0046 ug/L	2004-2005 Annual Report, p. 9-33

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
10/17/04	PCB-1016	Calaveras River	.00017 ug/L		.052 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Diazinon	Calaveras River	.05 ug/L		.15 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	2 ug/L	4 ug/L	2004-2005 Annual Report, p. 9-33
10/17/04	Oil/Grease	Duck Creek	0 mg/L	.42 mg/L	2.0 mg/L	2004-2005 Annual Report, p. 9-34
10/17/04	E. Coli	Duck Creek	235 MPN/100 mL	110,000 MPN/100 mL	1,700 MPN/100 mL	2004-2005 Annual Report, p. 9-34
10/17/04	Fecal Coli	Duck Creek	400 MPN/100 mL	110,000 MPN/100 mL	1,700 MPN/100 mL	2004-2005 Annual Report, p. 9-34
10/17/04	Aluminum	Duck Creek	200 ug/L	730 ug/L	3,900 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Copper	Duck Creek	Adjusted CTR	12 ug/L	13 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Iron	Duck Creek	300 ug/L	2,200 ug/L	7,500 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Lead	Duck Creek	Adjusted CTR	3.7 ug/L	6.5 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Mercury	Duck Creek	.05 ug/L		.58 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Zinc	Duck Creek	Adjusted CTR	230 ug/L		2004-2005 Annual Report, p. 9-34
10/17/04	Aldrin	Duck Creek	.00013 ug/L	.028 ug/L	.0037 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Alpha-BHC	Duck Creek	.0039 ug/L	.018 ug/L		2004-2005 Annual Report, p. 9-34

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
10/17/04	Beta-BHC	Duck Creek	.014 ug/L	.084 ug/L		2004-2005 Annual Report, p. 9-34
10/17/04	Gamma-BHC	Duck Creek	.019 ug/L	.072 ug/L		2004-2005 Annual Report, p. 9-34
10/17/04	Heptachlor	Duck Creek	.00021 ug/L	.056 ug/L	.0037 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Heptachlor epoxide	Duck Creek	.0001 ug/L	.038 ug/L		2004-2005 Annual Report, p. 9-34
10/17/04	PCB-1016	Duck Creek	.00017 ug/L		.079 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Bis(2-ethylhexyl) phthalate	Duck Creek	1.8 ug/L	4 ug/L	2 ug/L	2004-2005 Annual Report, p. 9-34
10/17/04	Chloride	Smith Canal	106 mg/L		110 mg/L	2004-2005 Annual Report, p. 9-35
10/17/04	Cyanide	Smith Canal	.0052 ug/L	.0086 ug/L		2004-2005 Annual Report, p. 9-35
10/17/04	Oil/Grease	Smith Canal	0 mg/L	.92 mg/L	3.2 mg/L	2004-2005 Annual Report, p. 9-35
10/17/04	EC	Smith Canal	700 umhos/cm		760 umhos/cm	2004-2005 Annual Report, p. 9-35
10/17/04	E. Coli	Smith Canal	235 MPN/100 mL	30,000 MPN/100 mL	800 MPN/100 mL	2004-2005 Annual Report, p. 9-35
10/17/04	Fecal Coli	Smith Canal	400 MPN/100 mL	30,000 MPN/100 mL	800 MPN/100 mL	2004-2005 Annual Report, p. 9-35
10/17/04	Aluminum	Smith Canal	200 ug/L	1,800 ug/L	580 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	Copper	Smith Canal	Adjusted CTR	24 ug/L		2004-2005 Annual Report, p. 9-35

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
10/17/04	Iron	Smith Canal	300 ug/L	3,600 ug/L	1,000 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	Lead	Smith Canal	Adjusted CTR	16 ug/L		2004-2005 Annual Report, p. 9-35
10/17/04	Mercury	Smith Canal	.05 ug/L		.44 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	Zinc	Smith Canal	Adjusted CTR	190 ug/L		2004-2005 Annual Report, p. 9-35
10/17/04	Aldrin	Smith Canal	.00013 ug/L	.014 ug/L	.019 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	Alpha-BHC	Smith Canal	.0039 ug/L		.0055 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	Beta-BHC	Smith Canal	.014 ug/L	.046 ug/L		2004-2005 Annual Report, p. 9-35
10/17/04	4,4'-DDE	Smith Canal	.00059 ug/L	.029 ug/L		2004-2005 Annual Report, p. 9-35
10/17/04	Heptachlor	Smith Canal	.00021 ug/L	.060 ug/L	.0020 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	Heptachlor epoxide	Smith Canal	.0001 ug/L	.033 ug/L		2004-2005 Annual Report, p. 9-35
10/17/04	PCB-1016	Smith Canal	.00017 ug/L		.050 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	PCB-1260	Smith Canal	.00017 ug/L		.029 ug/L	2004-2005 Annual Report, p. 9-35
10/17/04	Bis(2-ethylhexyl) phthalate	Smith Canal	1.8 ug/L	3 ug/L	8 ug/L	2004-2005 Annual Report, p. 9-35
10/19/04	Oil/Grease	Mosher Slough	0 mg/L	2.2 mg/L	1.8 mg/L	2004-2005 Annual Report, p. 9-32

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
10/19/04	E. Coli	Mosher Slough	235 MPN/100 mL	17,000 MPN/100 mL	500,000 MPN/100 mL	2004-2005 Annual Report, p. 9-32
10/19/04	Fecal Coli	Mosher Slough	400 MPN/100 mL	17,000 MPN/100 mL	500,000 MPN/100 mL	2004-2005 Annual Report, p. 9-32
10/19/04	Aluminum	Mosher Slough	200 ug/L	270 ug/L	300 ug/L	2004-2005 Annual Report, p. 9-32
10/19/04	Copper	Mosher Slough	Adjusted CTR	6 ug/L	9.5 ug/L	2004-2005 Annual Report, p. 9-32
10/19/04	Iron	Mosher Slough	300 ug/L	610 ug/L	770 ug/L	2004-2005 Annual Report, p. 9-32
10/19/04	Lead	Mosher Slough	Adjusted CTR	1.2 ug/L	1.9 ug/L	2004-2005 Annual Report, p. 9-32
10/19/04	Zinc	Mosher Slough	Adjusted CTR	44 ug/L	62 ug/L	2004-2005 Annual Report, p. 9-32
10/19/04	Aldrin	Mosher Slough	.00013 ug/L	.0011 ug/L		2004-2005 Annual Report, p. 9-32
10/19/04	Heptachlor	Mosher Slough	.00021 ug/L	.0026 ug/L	.0031 ug/L	2004-2005 Annual Report, p. 9-32
10/19/04	Heptachlor epoxide	Mosher Slough	.0001 ug/L	.0043 ug/L		2004-2005 Annual Report, p. 9-32
10/19/04	Diazinon	Mosher Slough	.05 ug/L	.09 ug/L	.11 ug/L	2004-2005 Annual Report, p. 9-32
10/19/04	Bis(2-ethylhexyl) phthalate	Mosher slough	1.8 ug/L		2 ug/L	
2005						
2/27/05	Oil/Grease	Mosher Slough	0 mg/L	3 mg/L	.9 mg/L	2004-2005 Annual Report, p. 9-32

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/27/05	E. Coli	Mosher Slough	235 MPN/100 mL	11,000 MPN/100 mL		2004-2005 Annual Report, p. 9-32
2/27/05	Fecal Coliform	Mosher Slough	400 MPN/100 mL	11,000 MPN/100 mL		2004-2005 Annual Report, p. 9-32
2/27/05	Aluminum	Mosher Slough	200 ug/L	270 ug/L	1,800 ug/L	2004-2005 Annual Report, p. 9-32
2/27/05	Copper	Mosher Slough	Adjusted CTR	500 ug/L	8.4 ug/L	2004-2005 Annual Report, p. 9-32
2/27/05	Iron	Mosher Slough	300 ug/L	890 ug/L	3,700 ug/L	2004-2005 Annual Report, p. 9-32
2/27/05	Lead	Mosher Slough	Adjusted CTR	1.6 ug/L	4.0 ug/L	2004-2005 Annual Report, p. 9-32
2/27/05	Mercury	Mosher Slough	0.05 ug/L		0.97 ug/L	2004-2005 Annual Report, p. 9-32
2/27/05	Zinc	Mosher Slough	Adjusted CTR	38 ug/L		2004-2005 Annual Report, p. 9-32
2/27/05	4,4'-DDT	Mosher Slough	.00059 ug/L	.0050 ug/L	.0099 ug/L	2004-2005 Annual Report, p. 9-32
2/27/05	Bis(2-ethylhexyl) phthalate	Mosher Slough	1.8 mg/L	2.2 ug/L	2.9 ug/L	2004-2005 Annual Report, p. 9-32
2/27/05	Oil/Grease	Calaveras River	0 mg/L	2.4 mg/L	.60 mg/L	2004-2005 Annual Report, p. 9-33
2/27/05	E. Coli	Calaveras River	235 MPN/100 mL	13,000 MPN/100 mL	30,000 MPN/100 mL	2004-2005 Annual Report, p. 9-33
2/27/05	Fecal Coli	Calaveras River	400 MPN/100 mL	13,000 MPN/100 mL	30,000 MPN/100 mL	2004-2005 Annual Report, p. 9-33
2/27/05	Aluminum	Calaveras River	200 ug/L	790 ug/L	600 ug/L	2004-2005 Annual Report, p. 9-33

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/27/05	Copper	Calaveras River	Adjusted CTR	11 ug/L	11 ug/L	2004-2005 Annual Report, p. 9-33
2/27/05	Iron	Calaveras River	300 ug/L	1500 ug/L	1200 ug/L	2004-2005 Annual Report, p. 9-33
2/27/05	Lead	Calaveras River	Adjusted CTR	4.9 ug/L		2004-2005 Annual Report, p. 9-33
2/27/05	Mercury	Calaveras River	.05 ug/L		2.2 ug/L	2004-2005 Annual Report, p. 9-33
2/27/05	Zinc	Calaveras River	Adjusted CTR	110 ug/L		2004-2005 Annual Report, p. 9-33
2/27/05	4,4'-DDT	Calaveras River	.00059 ug/L	.0091 ug/L	.0093 ug/L	2004-2005 Annual Report, p. 9-33
2/27/05	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	3.0 ug/L	58 ug/L	2004-2005 Annual Report, p. 9-33
2/27/05	Pentachlorophenol	Calaveras River	.28 ug/L	2.4 ug/L		2004-2005 Annual Report, p. 9-33
2/27/05	Oil/Grease	Duck Creek	0 mg/L	7.7 ug/L	6.0 ug/L	2004-2005 Annual Report, p. 9-34
2/27/05	E. Coli	Duck Creek	235 MPN/100 mL	1,100 MPN/100 mL	800 MPN/100 mL	2004-2005 Annual Report, p. 9-34
2/27/05	Fecal Coli	Duck Creek	400 MPN/100 mL	1,100 MPN/100 mL	1,100 MPN/100 mL	2004-2005 Annual Report, p. 9-34
2/27/05	Aluminum	Duck Creek	200 ug/L	590 ug/L	2600 ug/L	2004-2005 Annual Report, p. 9-34
2/27/05	Copper	Duck Creek	Adjusted CTR	3.9 ug/L	11 ug/L	2004-2005 Annual Report, p. 9-34
2/27/05	Iron	Duck Creek	300 ug/L	1,000 ug/L	4,400 ug/L	2004-2005 Annual Report, p. 9-34

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/27/05	Lead	Duck Creek	Adjusted CTR	.94 ug/L	3.9 ug/L	2004-2005 Annual Report, p. 9-34
2/27/05	Mercury	Duck Creek	.05 ug/L		.55 ug/L	2004-2005 Annual Report, p. 9-34
2/27/05	Nickel	Duck Creek	Adjusted CTR	41 ug/L		2004-2005 Annual Report, p. 9-34
2/27/05	4,4'-DDT	Duck Creek	.00059 ug/L	.015 ug/L	.094 ug/L	2004-2005 Annual Report, p. 9-34
2/2/7/05	Bis(2-ethylhexyl) phthalate	Duck Creek	1.8 ug/L	2.1 ug/L	5.0 ug/L	2004-2005 Annual Report, p. 9-34
2/27/05	Oil/Grease	Smith Canal	0 mg/L	12 mg/L	1.5 mg/L	2004-2005 Annual Report, p. 9-35
2/27/05	E. Coli	Smith Canal	235 MPN/100 mL	80,000 MPN/100 mL	800 MPN/100 mL	2004-2005 Annual Report, p. 9-35
2/27/05	Fecal Coli	Smith Canal	400 MPN/100 mL	80,000 MPN/100 mL	800 MPN/100 mL	2004-2005 Annual Report, p. 9-35
2/27/05	Aluminum	Smith Canal	200 ug/L		330 ug/L	2004-2005 Annual Report, p. 9-35
2/27/05	Iron	Smith Canal	300 ug/L	2,900 ug/L	1,100 ug/L	2004-2005 Annual Report, p. 9-35
2/27/05	Lead	Smith Canal	Adjusted CTR		2.4 ug/L	2004-2005 Annual Report, p. 9-35
2/27/05	Mercury	Smith Canal	.05 ug/L		1.2 ug/L	2004-2005 Annual Report, p. 9-35
2/27/05	4,4'-DDT	Smith Canal	.00059 ug/L		.018 ug/L	2004-2005 Annual Report, p. 9-35
2/27/05	Bis(2-ethylhexyl) phthalate	Smith Canal	1.8 ug/L	1.9 ug/L	2.4 ug/L	2004-2005 Annual Report, p. 9-35

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Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
5/16/05	Oil/Grease	Mosher Slough	0 mg/L	6.8 mg/L	2.6 mg/L	2004-2005 Annual Report, p. 9-32
5/16/05	E. Coli	Mosher Slough	235 MPN/100mL	8,000 MPN/100mL	400 MPN/100mL	2004-2005 Annual Report, p. 9-32
5/16/05	Fecal Coli	Mosher Slough	400 MPN/100mL	8,000 MPN/100mL		2004-2005 Annual Report, p. 9-32
5/16/05	Aluminum	Mosher Slough	200 ug/L		560 ug/L	2004-2005 Annual Report, p. 9-32
5/16/05	Copper	Mosher Slough	Adjusted CTR		14 ug/L	2004-2005 Annual Report, p. 9-32
5/16/05	Iron	Mosher Slough	300 ug/L		1,400 ug/L	2004-2005 Annual Report, p. 9-32
5/16/05	Lead	Mosher Slough	Adjusted CTR		1.8 ug/L	2004-2005 Annual Report, p. 9-32
5/16/05	Mercury	Mosher Slough	.05 ug/L		1.9 ug/L	2004-2005 Annual Report, p. 9-32
5/16/05	bis(2-ethylhexyl) phthalate	Mosher Slough	1.8 ug/L		2.3 ug/L	2004-2005 Annual Report, p. 9-32
5/16/05	Oil/Grease	Calaveras River	0 mg/L	5.6 mg/L	.96 mg/L	2004-2005 Annual Report, p. 9-33
5/16/05	E. Coli	Calaveras River	235 MPN/100 mL	17,000 MPN/100 mL		2004-2005 Annual Report, p. 9-33
5/16/05	Fecal Coli	Calaveras River	400 MPN/100 mL	17,000 MPN/100 mL		2004-2005 Annual Report, p. 9-33
5/16/05	Aluminum	Calaveras River	200 ug/L	660 ug/L	390 ug/L	2004-2005 Annual Report, p. 9-33
5/16/05	Copper	Calaveras River	Adjusted CTR	38 ug/L	7.2 ug/L	2004-2005 Annual Report, p. 9-33

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
5/16/05	Iron	Calaveras River	300 ug/L	2,500 ug/L	890 ug/L	2004-2005 Annual Report, p. 9-33
5/16/05	Lead	Calaveras River	Adjusted CTR	8.9 ug/L		2004-2005 Annual Report, p. 9-33
5/16/05	Mercury	Calaveras River	.05 ug/L	.30 ug/L	1.8 ug/L	2004-2005 Annual Report, p. 9-33
5/16/05	Zinc	Calaveras River	Adjusted CTR	290 ug/L		2004-2005 Annual Report, p. 9-33
5/16/05	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	3.7 ug/L	8.4 ug/L	2004-2005 Annual Report, p. 9-33
5/16/05	Oil/Grease	Duck Creek	0 mg/L	4.0 mg/L	2.2 mg/L	2004-2005 Annual Report, p. 9-34
5/16/05	E. Coli	Duck Creek	235 MPN/100 mL		400 MPN/100 mL	2004-2005 Annual Report, p. 9-34
5/16/05	Aluminum	Duck Creek	200 ug/L	840 ug/L	840 ug/L	2004-2005 Annual Report, p. 9-34
5/16/05	Copper	Duck Creek	Adjusted CTR	14 ug/L	6.3 ug/L	2004-2005 Annual Report, p. 9-34
5/16/05	Iron	Duck Creek	300 ug/L	1,600 ug/L	3,000 ug/L	2004-2005 Annual Report, p. 9-34
5/16/05	Lead	Duck Creek	Adjusted CTR	3.0 ug/L	1.7 ug/L	2004-2005 Annual Report, p. 9-34
5/16/05	Mercury	Duck Creek	.05 ug/L		1.1 ug/L	2004-2005 Annual Report, p. 9-34
5/16/05	Zinc	Duck Creek	Adjusted CTR	130 ug/L		2004-2005 Annual Report, p. 9-34
5/16/05	Oil/Grease	Smith Canal	0 mg/L	4.1 mg/L	3.2 mg/L	2004-2005 Annual Report, p. 9-35

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
5/16/05	EC	Smith Canal	700 umhos/cm	720 umhos/cm		2004-2005 Annual Report, p. 9-35
5/16/05	E. Coli	Smith Canal	235 MPN/100 mL	5,000,000 MPN/100 mL	400 MPN/100 mL	2004-2005 Annual Report, p. 9-35
5/16/05	Fecal Coli	Smith Canal	400 MPN/100 mL	5,000,000 MPN/100 mL		2004-2005 Annual Report, p. 9-35
5/16/05	Aluminum	Smith Canal	200 ug/L	1,200 ug/L	1,700 ug/L	2004-2005 Annual Report, p. 9-35
5/16/05	Iron	Smith Canal	300 ug/L	4,300 ug/L	1,800 ug/L	2004-2005 Annual Report, p. 9-35
5/16/05	Lead	Smith Canal	Adjusted CTR	19 ug/L	3.5 ug/L	2004-2005 Annual Report, p. 9-35
5/16/05	Mercury	Smith Canal	.05 ug/L		.75 ug/L	2004-2005 Annual Report, p. 9-35
5/16/05	4,4'-DDE	Smith Canal	.00059 ug/L	.014 ug/L	.0057 ug/L	2004-2005 Annual Report, p. 9-35
5/16/05	4,4'-DDT	Smith Canal	.00059 ug/L	.026 ug/L		2004-2005 Annual Report, p. 9-35
12/1/05	Oil/grease	Mosher Slough	0 mg/L	1.7 mg/L	2.3 mg/L	2005-2006 Annual Report, p. 9-41; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	E.coli	Mosher Slough	235 MPN/100 mL	8,000 MPN/100 mL	13,000 MPN/100 mL	2005-2006 Annual Report, p. 9-41; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
12/1/05	Fecal coliform	Mosher Slough	400 MPN/100 mL	8,000 MPN/100 mL	23,000 MPN/100 mL	2005-2006 Annual Report, p. 9-41; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Aluminum	Mosher Slough	200 ug/L	1,300 ug/L	2800 ug/L	2005-2006 Annual Report, p. 9-41; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Aluminum, dissolved	Mosher Slough	87 ug/L	500 ug/L		3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Copper	Mosher Slough	Adjusted CTR	19 ug/L	31 ug/L	2005-2006 Annual Report, p. 9-41; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Iron	Mosher Slough	300 ug/L	2200 ug/L	4500 ug/L	3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Lead	Mosher Slough	Adjusted CTR	5.5 ug/L	8.0 ug/L	2005-2006 Annual Report, p. 9-41; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Zinc	Mosher Slough	Adjusted CTR	93 ug/L	110 ug/L	2005-2006 Annual Report, p. 9-41; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
12/1/05	Oil/grease	Calaveras River	0 mg/L	2.9 mg/L	3.6 ug/L	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	E. coli	Calaveras River	235 MPN/100 mL	8,000 MPN/100 mL	7,000 MPN/100 mL	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Fecal coliform	Calaveras River	400 MPN/100 mL	8,000 MPN/100 mL	7,000 MPN/100 mL	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	1,2-Diphenylhydrazine	Calaveras River	0.04 ug/L	.34 ug/L	.31 ug/L	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Aluminum	Calaveras River	200 ug/L	4,500 ug/L	3,300 ug/L	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	4.4 ug/L	15 ug/L	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Copper	Calaveras River	Adjusted CTR	62 ug/L	22 ug/L	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
12/1/05	Lead	Calaveras River	Adjusted CTR	34 ug/L	9.9 ug/L	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
12/1/05	Zinc	Calaveras River	Adjusted CTR	450 ug/L	110 ug/L	2005-2006 Annual Report, p. 9-42; 3/6/06 letter from M. Madison (Stockton) to W. Marshall (Board)
2006						
2/26/06	Oil/Grease	Mosher Slough	0 mg/L	1.9 mg/L	1.2 mg/L	2005-2006 Annual Report, p. 9-41
2/26/06	E. coli	Mosher Slough	235 MPN/100 mL	23,000 MPN/100 mL	5,000 MPN/100 mL	2005-2006 Annual Report, p. 9-41
2/26/06	Fecal coliform	Mosher Slough	400 MPN/100 mL	23,000 MPN/100 mL	23,000 MPN/100 mL	2005-2006 Annual Report, p. 9-41
2/26/06	Aluminum	Mosher Slough	200 ug/L	840 ug/L	310 ug/L	2005-2006 Annual Report, p. 9-41
2/26/06	Bis(2-ethylhexyl) phthalate	Mosher Slough	1.8 ug/L	2 ug/L	13 ug/L	2005-2006 Annual Report, p. 9-41
2/26/06	Copper	Mosher Slough	Adjusted CTR	11.9 ug/L	68.5 ug/L	2005-2006 Annual Report, p. 9-41
2/26/06	Lead	Mosher Slough	Adjusted CTR	3.13 ug/L	17.4 ug/L	2005-2006 Annual Report, p. 9-41
2/26/06	Zinc	Mosher Slough	Adjusted CTR	68.2 ug/L	303 ug/L	2005-2006 Annual Report, p. 9-41
2/26/06	Oil/Grease	Duck Creek	0 mg/L	2.1 mg/L	.72 mg/L	2005-2006 Annual Report, p. 9-43

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/26/06	Aluminum	Duck Creek	200 ug/L	4,300 ug/L	1,500 ug/L	2005-2006 Annual Report, p. 9-43
2/26/06	Copper	Duck Creek	Adjusted CTR	24.7 ug/L	10.3 ug/L	2005-2006 Annual Report, p. 9-43
2/26/06	Oil/Grease	Smith Canal	0 mg/L	2.7 mg/L	1.5 mg/L	2005-2006 Annual Report, p. 9-44
2/26/06	E. coli	Smith Canal	235 MPN/100 mL	1,700 MPN/100 mL	1,300 MPN/100 mL	2005-2006 Annual Report, p. 9-44
2/26/06	Fecal coliform	Smith Canal	400 MPN/100 mL	1,700 MPN/100 mL	3,000 MPN/100 mL	2005-2006 Annual Report, p. 9-44
2/26/06	4,4'-DDE	Smith Canal	.00059 ug/L	.014 ug/L	.0094 ug/L	2005-2006 Annual Report, p. 9-44
2/26/06	4,4'-DDT	Smith Canal	.00059 ug/L	.018 ug/L	.0066 ug/L	2005-2006 Annual Report, p. 9-44
2/26/06	Aluminum	Smith Canal	200 ug/L	1,200 ug/L	730 ug/L	2005-2006 Annual Report, p. 9-44
2/26/06	Aluminum, Dissolved	Smith Canal	87 ug/L	98 ug/L	140 ug/L	2005-2006 Annual Report, p. 9-44
3/20/06	Oil/Grease	Calaveras River	0 mg/L	3.9 mg/L	1.1 mg/L	2005-2006 Annual Report, p. 9-42
3/20/06	E. coli	Calaveras River	235 MPN/100 mL	1,300 MPN/100 mL	2,300 MPN/100 mL	2005-2006 Annual Report, p. 9-42
3/20/06	Fecal coliform	Calaveras River	400 MPN/100 mL	2,300 MPN/100 mL	3,000 MPN/100 mL	2005-2006 Annual Report, p. 9-42
3/20/06	Aluminum	Calaveras River	200 ug/L	2,500 ug/L	1,500 ug/L	2005-2006 Annual Report, p. 9-42
3/20/06	Aluminum, Dissolved	Calaveras River	87 ug/L	240 ug/L	190 ug/L	2005-2006 Annual Report, p. 9-42

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
3/20/06	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	3.0 ug/L	32 ug/L	2005-2006 Annual Report, p. 9-42
3/20/06	Copper	Calaveras River	Adjusted CTR	15.1 ug/L	8.89 ug/L	2005-2006 Annual Report, p. 9-42
3/20/06	Lead	Calaveras River	Adjusted CTR	12.7 ug/L	2.08 ug/L	2005-2006 Annual Report, p. 9-42
3/20/06	Oil/Grease	Duck Creek	0 mg/L	3.2 mg/L	4.1 mg/L	2005-2006 Annual Report, p. 9-43
3/20/06	E. coli	Duck Creek	235 MPN/100 mL	2,700 MPN/100 mL	1,300 MPN/100 mL	2005-2006 Annual Report, p. 9-43
3/20/06	Fecal coliform	Duck Creek	400 MPN/100 mL	3,400 MPN/100 mL	1,300 MPN/100 mL	2005-2006 Annual Report, p. 9-43
3/20/06	Aluminum	Duck Creek	200 ug/L	8,200 ug/L	13,000 ug/L	2005-2006 Annual Report, p. 9-43
3/20/06	Aluminum, Dissolved	Duck Creek	87 ug/L	88 ug/L	710 ug/L	2005-2006 Annual Report, p. 9-43
3/20/06	Copper	Duck Creek	Adjusted CTR	24.0 ug/L	28.7 ug/L	2005-2006 Annual Report, p. 9-43
3/20/06	Hexavalent Chromium	Duck Creek	11 ug/L	18 ug/L	44 ug/L	2005-2006 Annual Report, p. 9-43
3/20/06	Iron, Dissolved	Duck Creek	300 ug/L	370 ug/L	800 ug/L	2005-2006 Annual Report, p. 9-43
3/20/06	Lead	Duck Creek	Adjusted CTR	15.7 ug/L	8.11 ug/L	2005-2006 Annual Report, p. 9-43
3/20/06	Zinc	Duck Creek	Adjusted CTR	409 ug/L	88.2 ug/L	2005-2006 Annual Report, p. 9-43
4/10/06	Oil/Grease	Smith Canal	0 mg/L	2.8 mg/L	1.0 mg/L	2005-2006 Annual Report, p. 9-44

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
4/10/06	E. coli	Smith Canal	235 MPN/100 mL	17,000 MPN/100 mL	400 MPN/100 mL	2005-2006 Annual Report, p. 9-44
4/10/06	Aluminum	Smith Canal	200 ug/L	6,700 ug/L	610 ug/L	2005-2006 Annual Report, p. 9-44
4/10/06	Copper	Smith Canal	Adjusted CTR	56.5 ug/L	5.49 ug/L	2005-2006 Annual Report, p. 9-44
4/10/06	Lead	Smith Canal	Adjusted CTR	82.9 ug/L	3.82 ug/L	2005-2006 Annual Report, p. 9-44
4/10/06	Mercury	Smith Canal	0.05 ug/L	0.087 ug/L	0.64 ug/L	2005-2006 Annual Report, p. 9-44
5/10/06	Oil/Grease	Mosher Slough	0 mg/L	.51 mg/L	.89 mg/L	2005-2006 Annual Report, p. 9-41; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Oil/Grease	Calaveras River	0 mg/L	2.9 mg/L	1.0 mg/L	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	E. coli	Calaveras River	235 MPN/100 mL	<20,000 MPN/100 mL	700 MPN/100 mL	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Fecal coliform	Calaveras River	400 MPN/100 mL	<20,000 MPN/100 mL	700 MPN/100 mL	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
5/10/06	Aluminum	Calaveras River	200 ug/L	380 ug/L	650 ug/L	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	3.2 ug/L	2.2 ug/L	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Iron	Calaveras River	300 ug/L	1,100 ug/L	1,000 ug/L	8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Oil/Grease	Duck Creek	0 mg/L	27 mg/L	4.3 mg/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Aluminum	Duck Creek	200 ug/L	290 ug/L	260 ug/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Bis(2-ethylhexyl) phthalate	Duck Creek	1.8 ug/L	11 ug/L	2.2 ug/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Copper	Duck Creek	Adjusted CTR	211 ug/L	6.96 ug/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
5/10/06	Iron	Duck Creek	300 ug/L	1,300 ug/L	500 ug/L	8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Lead	Duck Creek	Adjusted CTR	61.8 ug/L	1.53 ug/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Oil/Grease	Smith Canal	0 mg/L	1.7 mg/L	2.9 mg/L	2005-2006 Annual Report, p. 9-44; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
5/10/06	Bis(2-ethylhexyl) phthalate	Smith Canal	1.8 ug/L	2.3 ug/L	5.6 ug/L	2005-2006 Annual Report, p. 9-44; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Oil/Grease	Mosher Slough	0 mg/L	1.3 mg/L	.78 mg/L	2005-2006 Annual Report, p. 9-41; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Bis(2-ethylhexyl) phthalate	Mosher Slough	1.8 ug/L	2.1 ug/L	8.5 ug/L	2005-2006 Annual Report, p. 9-41; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Oil/Grease	Calaveras River	0 mg/L	2.1 ug/L	1.0 ug/L	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
6/5/06	E. Coli	Calaveras River	235 MPN/100 mL	20,000 MPN/100 mL	400 MPN/100 mL	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Aluminum	Calaveras River	200 ug/L	1,000 ug/L	300 ug/L	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	6 ug/L	2.3 ug/L	2005-2006 Annual Report, p. 9-42; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Iron	Calaveras River	300 ug/L	1500 ug/L	320 ug/L	8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Oil/Grease	Duck Creek	0 mg/L	1.8 mg/L	.76 mg/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	E. coli	Duck Creek	235 MPN/100 mL	230,000 MPN/100 mL	1,300 MPN/100 mL	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Fecal coliform	Duck Creek	400 MPN/100 mL	230,000 MPN/100 mL	1,300 MPN/100 mL	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
6/5/06	Bis(2-ethylhexyl) phthalate	Duck Creek	1.8 ug/L	2.8 ug/L	3.1 ug/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Iron	Duck Creek	300 ug/L	900 ug/L	3,500 ug/L	8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Iron, Dissolved	Duck Creek	300 ug/L	670 ug/L	540 ug/L	2005-2006 Annual Report, p. 9-43; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Oil/Grease	Smith Canal	0 mg/L	0.49 mg/L	1.9 mg/L	2005-2006 Annual Report, p. 9-44; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	E. coli	Smith Canal	235 MPN/100 mL	1,700 MPN/100 mL	800 MPN/100 mL	2005-2006 Annual Report, p. 9-44; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	Fecal coliform	Smith Canal	400 MPN/100 mL	1,700 MPN/100 mL	800 MPN/100 mL	2005-2006 Annual Report, p. 9-44; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
6/5/06	4,4'-DDE	Smith Canal	0.00059 ug/L	0.0084 ug/L	0.0094 ug/L	2005-2006 Annual Report, p. 9-44; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)

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Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
6/5/06	Bis(2-ethylhexyl) phthalate	Smith Canal	1.8 ug/L	2.4 ug/L	3.4 ug/L	2005-2006 Annual Report, p. 9-44; 8/3/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Oil/Grease	Mosher Slough	0 mg/L	.96 mg/L	.87 mg/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	E. Coli	Mosher Slough	235 MPN/100 mL	2,200 MPN/100 mL	900 MPN/100 mL	2007-2008 Annual Report, p. 8-36; 11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Fecal Coliform	Mosher Slough	400 MPN/100 mL	2,200 MPN/100 mL	900 MPN/100 mL	2007-2008 Annual Report, p. 8-36; 11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Bis(2-ethylhexyl) phthalate	Mosher Slough	1.8 ug/L	2.9 ug/L	3.7 ug/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Oil/Grease	Calaveras River	0 mg/L	1.4 mg/L	.78 mg/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	E Coli	Calaveras River	235 MPN/100 mL	70000 MPN/100 mL	400 MPN/100 mL	2007-2008 Annual Report, p. 8-37; 11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Aluminum, dissolved	Calaveras River	87 ug/L	110 ug/L	120 ug/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
8/28/06	Bis(2-ethylhexyl) phthalate	Calaveras River	1.8 ug/L	3.1 ug/L	16 ug/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Oil/Grease	Duck Creek	0 mg/L	2.0 mg/L	.86 mg/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Aluminum	Duck Creek	200 ug/L	480 ug/L	2100 ug/L	2007-2008 Annual Report, p. 8-38; 11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Bis(2-ethylhexyl) phthalate	Duck Creek	1.8 ug/L	2.4 ug/L	6.4 ug/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Copper	Duck Creek	4.7 ug/L	58.6 ug/L	7.01 ug/L	2007-2008 Annual Report, p. 8-38; 11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Oil/Grease	Smith Canal	0 mg/L	2.3 mg/L	1.4 mg/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
8/28/06	Bis(2-ethylhexyl) phthalate	Smith Canal	1.8 ug/L	2.2 ug/L	7.9 ug/L	11/9/06 letter from C. Vasquez (Stockton) to W. Marshall (Board)
2007						
2/22/07	Aluminum	Mosher Slough	200 ug/L	320 ug/L	630 ug/L	2007-2008 Annual Report, p. 8-36
2/22/07	Aluminum	Calaveras River	200 ug/L	780 ug/L	260 ug/L	2007-2008 Annual Report, p. 8-37

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2/22/07	Aluminum	Duck Creek	200 ug/L	970 ug/L	820 ug/L	2007-2008 Annual Report, p. 8-38
2/22/07	Aluminum	Smith Canal	200 ug/L	630 ug/L	400 ug/L	2007-2008 Annual Report, p. 8-39
3/26/07	Aluminum	Mosher Slough	200 ug/L	340 ug/L	460 ug/L	2007-2008 Annual Report, p. 8-36
3/26/07	Copper	Mosher Slough	6.2 ug/L	18.5 ug/L	12.2 ug/L	2007-2008 Annual Report, p. 8-36
3/26/07	E. Coli	Mosher Slough	235 MPN/100 mL	14,000 MPN/100 mL	1700 MPN/100 mL	2007-2008 Annual Report, p. 8-36
3/26/07	Fecal Coliform	Mosher Slough	400 MPN/100 mL	14,000 MPN/100 mL	1700 MPN/100 mL	2007-2008 Annual Report, p. 8-36
3/26/07	Aluminum	Calaveras River	200 ug/L	480 ug/L	290 ug/L	2007-2008 Annual Report, p. 8-37
3/26/07	E. Coli	Calaveras River	235 MPN/100 mL	1700 MPN/100 mL	2700 MPN/100 mL	2007-2008 Annual Report, p. 8-37
3/26/07	Fecal Coliform	Calaveras River	400 MPN/100 mL	3000 MPN/100 mL	2700 MPN/100 mL	2007-2008 Annual Report, p. 8-37
3/26/07	Aluminum	Duck Creek	200 ug/L	910 ug/L	510 ug/L	2007-2008 Annual Report, p. 8-38
3/26/07	E. Coli	Duck Creek	235 MPN/100 mL	13000 MPN/100 mL	400 MPN/100 mL	2007-2008 Annual Report, p. 8-38
3/26/07	4,4'-DDD	Smith Canal	.00083 ug/L	.15 ug/L	.01 ug/L	2007-2008 Annual Report, p. 8-39
3/26/07	Aluminum	Smith Canal	200 ug/L	270 ug/L	230 ug/L	2007-2008 Annual Report, p. 8-39
3/26/07	E. Coli	Smith Canal	235 MPN/100 mL	13000 MPN/100 mL	1700 MPN/100 mL	2007-2008 Annual Report, p. 8-39

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
3/26/07	Fecal Coliform	Smith Canal	400 MPN/100 mL	13000 MPN/100 mL	1700 MPN/100 mL	2007-2008 Annual Report, p. 8-39
3/26/07	TSD	Smith Canal	400 mg/L	410 mg/L	410 mg/L	2007-2008 Annual Report, p. 8-39
4/11/07	Aluminum	Mosher Slough	200 ug/L	460 ug/L	370 ug/L	2007-2008 Annual Report, p. 8-36
4/11/07	Aluminum	Smith Canal	200 ug/L	420 ug/L	500 ug/L	2007-2008 Annual Report, p. 8-39
6/4/07	Aluminum	Duck Creek	200 ug/L	370 ug/L	550 ug/L	2007-2008 Annual Report, p. 8-38
6/4/07	E. Coli	Duck Creek	235 MPN/100 mL	17000 MPN/100 mL	400 MPN/100 mL	2007-2008 Annual Report, p. 8-38
6/4/07	Fecal Coliform	Duck Creek	400 MPN/100 mL	17000 MPN/100 mL	800 MPN/100 mL	2007-2008 Annual Report, p. 8-38
6/4/07	Bis(2-ethylhexyl) phthalate	Smith Canal	1.8 ug/L	6.6 ug/L	15 ug/L	2007-2008 Annual Report, p. 8-39
9/10/07	E. Coli	Calaveras River	235 MPN/100 mL	5000 MPN/100 mL	800 MPN/100 mL	2007-2008 Annual Report, p. 8-37
9/10/07	Fecal Coliform	Calaveras River	400 MPN/100 mL	8000 MPN/100 mL	1300 MPN/100 mL	2007-2008 Annual Report, p. 8-37
9/10/07	Aluminum	Duck Creek	200 ug/L	300 ug/L	650 ug/L	2007-2008 Annual Report, p. 8-38
9/10/07	E. Coli	Duck Creek	235 MPN/100 mL	22000 MPN/100 mL	1700 MPN/100 mL	2007-2008 Annual Report, p. 8-38
9/10/07	Fecal Coliform	Duck Creek	400 MPN/100 mL	2300000 MPN/100 mL	3000 MPN/100 mL	2007-2008 Annual Report, p. 8-38
9/10/07	Lead	Duck Creek	.72 ug/L	.84 ug/L	1.03 ug/L	2007-2008 Annual Report, p. 8-38

Date	Pollutant	Location	Reported WQO	Urban Discharge Level	Receiving Water Level	Source
2008						
1/3/08	Aluminum	Mosher Slough	200 ug/L	300 ug/L	360 ug/L	2007-2008 Annual Report, p. 8-36
1/3/08	Copper	Mosher Slough	3.1 ug/L	5.52 ug/L	6.64 ug/L	2007-2008 Annual Report, p. 8-36
1/3/08	E. Coli	Mosher Slough	235 MPN/100 mL	5,000 MPN/100 mL	3,000 MPN/100 mL	2007-2008 Annual Report, p. 8-36
1/3/08	Fecal Coliform	Mosher Slough	400 MPN/100 mL	5,000 MPN/100 mL	3,000 MPN/100 mL	2007-2008 Annual Report, p. 8-36
1/3/08	Aluminum	Calaveras River	200 ug/L	300 ug/L	340 ug/L	2007-2008 Annual Report, p. 8-37
1/3/08	Copper	Calaveras River	2.8 ug/L	9.52 ug/L	6.88 ug/L	2007-2008 Annual Report, p. 8-37
1/3/08	E. Coli	Calaveras River	235 MPN/100 mL	400 MPN/100 mL	7000 MPN/100 mL	2007-2008 Annual Report, p. 8-37
1/3/08	Zinc	Calaveras River	28 ug/L	120 ug/L	46.1 ug/L	2007-2008 Annual Report, p. 8-37
1/3/08	E. Coli	Smith Canal	235 MPN/100 mL	23000 MPN/100 mL	1100 MPN/100 mL	2007-2008 Annual Report, p. 8-39
1/3/08	Fecal Coliform	Smith Canal	400 MPN/100 mL	23000 MPN/100 mL	1700 MPN/100 mL	2007-2008 Annual Report, p. 8-39