

ITEM: 10

SUBJECT: Malaga County Water District, Wastewater Treatment Facility, Fresno County

BOARD ACTION: *Consideration of renewal of Waste Discharge Requirements (WDRs)/National Pollutant Discharge Elimination System (NPDES) Permit (NPDES No. CA0084239) and Adoption of a new Cease and Desist Order*

BACKGROUND: Malaga County Water District (Discharger) owns and operates a wastewater treatment facility (Facility) in Fresno County, which provides sewerage service to the community of Malaga. The Facility primarily treats flows from industrial/non-domestic users. The Discharger is authorized to discharge up to 0.45 million gallons per day (mgd) of disinfected tertiary-treated wastewater to Central Canal (Discharge Point 001), which is hydraulically connected to Fresno Slough, a water of the United States, which flows into San Joaquin River, also a water of the United States. The Discharger is also authorized to discharge un-disinfected secondary-treated wastewater to onsite disposal ponds (Discharge Point 002). The discharges are regulated by Waste Discharge Requirements (WDRs) Order R5-2008-0033 (NPDES Permit No. CA0084239) and enforced by Cease and Desist Order (CDO) R5-2008-0032.

In 1999, the Central Valley Water Board issued the first NPDES permit for the Facility (Order 99-100) to allow discharges to Central Canal, provided the Discharger constructed and began operating filtration and disinfection units. In 2001, the Central Valley Water Board issued Cease and Desist Order 5-01-001 requiring the Discharger to complete construction and begin operating the filtration and disinfection units. Order 5-01-001 included findings that in 2000, the Discharger had several emergency discharges to Central Canal, without the filtration unit in place, and also had overtopping of treated wastewater onto adjacent property from an unauthorized emergency storage pond. The current NPDES permit and cease and desist order were issued in 2008. CDO R5-2008-0032 requires the Discharger to, among other things, address disposal capacity at the Facility.

Based on the information the Discharger provided in response to CDO R5-2008-0032, Central Valley Water Board calculated the disposal capacity of the ponds to be lower than the current permitted flow of 0.85 mgd. The proposed WDRs/NPDES permit includes a lower effluent flow limitation to the disposal ponds (0.49 mgd) and provides a path for the Discharger to request up to 0.85 mgd, provided it submits the information specified in the proposed WDRs/NPDES permit. The proposed WDRs/NPDES permit will become effective on 1 February 2015, which gives the Discharger an opportunity to submit the information required for the Executive Officer to approve an effluent flow limitation higher than 0.49 mgd, up to 0.85 mgd, prior to the 0.49 mgd effluent flow limitation becoming effective. The proposed CDO requires the Discharger to separately address its disposal capacity.

The proposed WDRs/NPDES permit also requires the Discharger to cease discharging to Central Canal during periods when there are no irrigation water deliveries. This requirement becomes effective on the date the proposed WDRs/NPDES permit will expire (five years from permit effective date). Central Valley Water Board staff proposes an alternative for the Board's

consideration for restrictions to Central Canal. The alternative would require the Discharger to completely cease discharge to Central Canal by the permit expiration date.

ISSUES:

Comments on the proposed WDRs/NPDES permit, proposed CDO, and proposed alternative were submitted by the Discharger and Fresno Irrigation District. Fresno Irrigation District did not request any changes and only provided comments regarding its desire that the Discharger work to eliminate the discharge to Central Canal.

The Discharger objects to the proposed effluent flow limitation to the disposal ponds (Discharge Point 002) of 0.49 mgd and to the requirement that it cease discharge to Central Canal, either seasonally or permanently. The Discharger indicates the proposed effluent flow limitation to the disposal ponds is based on "outdated, inaccurate, irrelevant, and improper" information and that the effluent flow limitation is not reflective of the current conditions of the disposal ponds. The Discharger also indicates that the Central Valley Water Board has no authority to interpret or enforce any agreement between it and Fresno Irrigation District and, thus, cannot restrict discharges to Central Canal. Furthermore, the Discharger also objects to the Notice of Public Hearing because the Notice is "ambiguous and fails to define the nature of the proceeding and as such the [Discharger] cannot adequately prepare for the proceeding or is otherwise being denied due process." Central Valley Water Board staff's responses to the Discharger's comments are included in the Responses to Comments.

RECOMMENDATION: Adopt the proposed WDRs/NPDES permit and proposed Cease and Desist Order.

Mgmt. Review _____

Legal Review _____

4/5 December 2014
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