

**Administrative Civil Liability Order No. R5-2016-XXXX**

MALAGA COUNTY WATER DISTRICT  
WASTWATER TREATMENT FACILITY  
FRESNO COUNTY

**Exhibit 2**

## TABLE OF CONTENTS

### Tab 0 (Background and Introduction)

- A. 2012 Annual Biosolids Report
- B. December 2008 Chronic Toxicity Test Results, pp. 1, 12
- C. March 2011 Chronic Toxicity Test Results
- D. March 2012 Chronic Toxicity Test Results

### Tab 1 (Violation 1.A)

- A. 2004 Sewer Use Ordinance, pp. A-21, A-23
- B. 2010 PCI Summary Report, p. 4
- C. 2014 PCA Final Summary Report, p. 16
- D. 2012 Stratas Foods Permit (included in 2012 Annual Pretreatment Report)
- E. 2010 PCI Checklist, Section III, p. 21 (front and back of page)
- F. 2009 PPG Industries Permit (included in 2009 Annual Pretreatment Report), p. 3
- G. 2013 RockTenn Permit (included in 2013 Annual Pretreatment Report) (3 pages total)
- H. 2014 PCA Final Summary Report, p. 15
- I. 2009 Air Products Permit (included in 2009 Annual Pretreatment Report), pp. 1-6
- J. 2014 PCA Final Summary Report, Paragraph 7, p. 35
- K. 2010 PCI Summary Report, p. 5
- L. 2014 PCA Final Summary Report, p. 36
- M. 2015 PCI Summary Report, p. 15
- N. 2010 PCI Checklist, Section II, p. 14
- O. 2015 PCI Summary Report, pp. 17-18
- P. 2009 Kinder Morgan Permit (included in 2009 Annual Pretreatment Report) (2 pages total)
- Q. 2013 Stratas Foods Permit (included in 2013 Annual Pretreatment Report) (3 pages total)

### Tab 2 (Violation 1.B)

- A. 2009 Annual Pretreatment Report
- B. 2010 PCI Checklist, Sections I and III, p. 22 (2 pages total)
- C. 6 September 2013 Notice of Violation, pp. 1-2, and 2012 Facilities Inspection Form
- D. 2014 Annual Pretreatment Report, Table 2: SIU Inspections in 2014
- E. 2014 PCA Final Summary Report, pp. 38-39
- F. 2011 Annual Pretreatment Report (3 pages total)
- G. 2010 PCI Summary Report, p. 6
- H. 2014 PCA Final Summary Report, pp. 18-19
- I. 2015 PCI Summary Report, pp. 20-21
- J. 2014 2nd Quarterly Pretreatment Report (2 pages total)

### Tab 3 (Violation 1.C)

- A. RockTenn Compliance Log (included in 2011 Annual Pretreatment Report)
- B. Stratas Foods Compliance Log (included in 2012 Annual Pretreatment Report)
- C. Lab Report Excerpts for PPG Samples (included in 2012 Annual Pretreatment Report) (7 pages total)
- D. PPG 2010 Compliance Log (included in 2010 Annual Pretreatment Report)
- E. 2010 PCI Checklist, Section III, p. 23
- F. 2015 PCI Summary Report, p. 5 and pp. 36, 37
- G. 2010 PCI Summary Report, pp. 8-11

\*All references to Annual Pretreatment Reports and IU permits indicate excerpts from those documents.

Tab 4 (Violation 1.D)

- A. 2014 PCA Final Summary Report, pp. 29-30
- B. 2013 Annual Pretreatment Report, "Class 1 Inspection & Sampling Activities"
- C. Kinder Morgan "Slug Discharge Plan" (included in 2014 3rd Quarterly Pretreatment Report)
- D. 2010 PCI Checklist, Section II, p. 15
- E. 2015 PCI Summary Report, pp. 30-33
- F. 2015 PCI Summary Report, pp. 23-24

Tab 5 (Violation 1.E)

- A. 2010 Annual Pretreatment Report (8 pages total)
- B. 2014 PCA Final Summary Report, pp. 40-41
- C. 2008 Annual Pretreatment Report
- D. 12 April 2012 Notice of Violation, pp. 1-4
- E. 2010 Calpine Permit (included in 2010 Annual Pretreatment Report) (4 pages total)

Tab 6 (Violation 1.F)

- A. 2011 1st Quarterly Pretreatment Report (2 pages total)
- B. Industrial User Sample Results (included in 2012-2014 Annual Pretreatment Reports) (11 pages total)
- C. Administrative Complaint for Fresno Truck Wash, pp. 1-5 (included in 2010 Annual Pretreatment Report)
- D. 2009 3<sup>rd</sup> Quarterly Pretreatment Report (4 pages total)
- E. 2010 Quarterly Pretreatment Reports (6 pages total)

Tab 7 (Violation 1.G)

- A. 2014 3rd Quarterly Pretreatment Report

Tab 8 (Violation 2)

- A. 25 July 2008 *Study Evaluating Treatment and Disposal Facilities*
- B. 19 August 2009 Central Valley Water Board Memorandum, pp. 1-5
- C. 24 September 2009 Central Valley Water Board Letter, pp. 1-2
- D. 28 April 2011 Cover Letter from Discharger with Technical Report
- E. 19 August 2013 Central Valley Water Board Letter, pp. 1-2
- F. 10 October 2013 Record of Communication
- G. 10 October 2013 email from Discharger with 23 September 2010 Memorandum (4 pages total)
- H. 21 October 2013 Central Valley Water Board email
- I. 29 October 2013 email from Discharger with response (17 pages total)
- J. 7 July 2014 Notice of Violation, pp. 1-3
- K. 18 August 2014 Supplemental Notice of Violation, pp. 1-15
- L. Excerpt from 2008 CDO, p. 3

Tab 9 (Steps 6-9)

- A. 2010 *Water, Sewer, & Solid Waster Rate Study*, pp. 2-3
- B. Visalia, Atwater, Selma-Kingsburg-Fowler, Fresno-Clovis, and Merced Annual Pretreatment Reports (40 pages total)

\*All references to Annual Pretreatment Reports and IU permits indicate excerpts from those documents.

TAB 0

(Background and Introduction)

TAB 0A

2012 Annual Biosolids Report



# MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO, CALIFORNIA 93725  
PHONE (559) 485-7353 - FAX (559) 485-7319

BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR.  
PRESIDENT

SALVADOR CERRILLO  
VICE PRESIDENT

IRMA CASTANEDA  
DIRECTOR

FRANK CERRILLO JR.  
DIRECTOR

FRANK SOTO  
DIRECTOR

RUSS HOLCOMB-GENERAL MANAGER

January 28, 2013

US Environmental Protection Agency, Region 9  
Biosolids Coordinator, Clean Water Act Compliance Office  
75 Hawthorne Street  
San Francisco, CA 94105

**RECEIVED**

JAN 30 2013

RWQCB-CVR  
FRESNO, CALIF.

Attention: Ms. Lauren Fondahl

Re: Malaga County Water District  
Annual Biosolids Reports

Dear Ms. Fondahl:

Please see the annual biosolids report for 2012. The EPA spreadsheets for annual review are attached. The District contracted for testing of the dried sludge in July 2012, however the sludge concentrations of Copper and Chromium did not allow for immediate disposal. The District is pursuing acceptable disposal alternatives. The District has not disposed of sludge during this period. The sludge has been held in storage at the site and has continued to dry.

Please note that this correspondence also includes analytical results of samples of the sludge routed to the sludge drying beds. The concentrations of constituents from this sample were not incorporated into the spreadsheets attached, as it is not representative of the sludge that may be disposed of at this time.

Please contact me if you need additional information.

Respectfully,

Russ Holcomb  
General Manager

MONITORING REPORT REVIEW

Engineer \_\_\_\_\_

Compliance            Yes            no

Date Reviewed \_\_\_\_\_

cc: Regional Water Quality Control Board  
Attention: Mr. Warren Gross  
1685 E. Street  
Fresno, CA 93706

Provost & Pritchard Engineering Group, Michael Taylor

Website: [www.malagacwd.org](http://www.malagacwd.org)

**Description of processes**

Give a brief description of your sewage sludge treatment and use/disposal practices

**Sludge in the WWTP is collected and pumped to two (2) aerobic digesters. The facility then moves the sludge to a sludge thickener. Sludge is drained from the sludge thickener to three (3) lined sludge drying beds. Dried sludge is stored on site until the District contracts for hauling and disposal.**

Describe any changes to your operations, any unique features or operational issues encountered during past year

**No changes to the operation.**

Describe any instances of non-compliance and measures taken to correct it.

The sludge had high levels of Chromium and Copper.

The District intends to proceed with more frequent hauling of the sludge for disposal so that the concentrations of metals do not reach hazardous

concentrations.

Please enter the calendar date when the location data were collected, in mm/dd/yyyy format in the cell to the right (if the date is not known, please type UNKNOWN):



Liberty Composting, Inc.  
P.O. Box 80727  
Bakersfield, CA 93380-0727

Date Received: 07/09/12  
Work Order No: 12-07-0370  
Preparation: T22.11.5. All  
Method: EPA 6010B  
Units: mg/L

Project: MALAGA CWD

Page 1 of 1

Client Sample Number	Lab Sample Number	Date /Time Collected	Matrix	Instrument	Date Prepared	Date/Time Analyzed	QC Batch ID
MALAGA CWD	12-07-0370-1-A	07/06/12 10:15	Solid	ICP 7300	07/12/12	07/16/12 15:44	120716LA1

Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Chromium	9.31	0.100	1		Lead	2.94	0.100	1	
Copper	30.2	0.100	1						

Method Blank	097-05-006-6,302	N/A	Aqueous	ICP 7300	07/12/12	07/16/12 15:20	120716LA1
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Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Chromium	ND	0.100	1		Lead	ND	0.100	1	
Copper	ND	0.100	1						

RL - Reporting Limit , DF - Dilution Factor , Qual - Qualifiers

TAB 0B

December 2008 Chronic Toxicity

Test Results

pp. 1, 12



Ronald Boquist  
Moore Twining Associates, Inc.  
2527 Fresno Street  
Fresno, CA 93721

January 9, 2009

Dear Mr. Boquist:

I have enclosed two copies of the report "NPDES Compliance Chronic Toxicity Testing of the Malaga WWTF Final Effluent" for testing performed of the effluent samples collected on December 15, 17, 19, and 22, 2008. The results of these tests can be summarized as follows:

**Chronic Effects of Malaga Effluent on *Selenastrum capricornutum***

There were no significant reductions in algal growth in the Malaga effluent; the NOEC was 100% effluent, resulting in 1.0 TUc (where TUc = 100/NOEC).

**Chronic Effects of Malaga Effluent on *Ceriodaphnia dubia***

There were significant reductions in *Ceriodaphnia* reproduction in the Malaga effluent; the NOEC was 50% effluent, resulting in 2.0 TUc (where TUc = 100/NOEC).

**Chronic Effects of Malaga Effluent on Larval Fathead Minnows**

There were no significant reductions in fathead minnow survival or growth in the Malaga effluent. The NOEC was 100% effluent, resulting in 1.0 TUc (where TUc = 100/NOEC) for both test endpoints.

If you have any questions regarding the performance or interpretation of these tests, please feel free to contact me at (707) 207-7760.

Sincerely,

R. Scott Ogle, Ph.D.

Principal & Special Projects Director

This testing was performed under Lab Order 14256. The test results reported herein conform to the most current NELAC standards, where applicable, unless otherwise narrated in the body of the report, and only relate to the sample(s) tested. This report shall not be reproduced, except in full, without the written consent of Pacific EcoRisk.

CORPORATE HEADQUARTERS  
2250 Cordelia Road  
Fairfield, CA 94534  
phone : 707.207.7760  
fax : 707.207.7916

CENTRAL VALLEY  
6820 Pacific Avenue, Ste. 3D  
Stockton, CA 95207  
phone : 209.952.1180  
fax : 209.952.1180

SOUTHERN CALIFORNIA  
2792 W. Loker Avenue, Ste. 100  
Carlsbad, CA 92010  
phone : 760.602.7919  
fax : 760.602.9119

### 3.2 Effects of Malaga Effluent on *Ceriodaphnia dubia*

The results of this test are summarized below in Table 4. There was 100% survival at the Lab Control treatment. There were no significant reductions in survival in the Malaga effluent; the survival NOEC was 100% effluent, resulting in 1.0 TUc (where TUc = 100/NOEC).

There was a mean of 19.4 offspring per female in the Lab Control. There were significant reductions in reproduction in the Malaga effluent; the reproduction NOEC was 50% effluent, resulting in 2.0 TUc (where TUc = 100/NOEC).

The test data and summary of statistical analyses for this test are presented in Appendix D.

Table 4. Effects of Malaga effluent on <i>Ceriodaphnia dubia</i> survival and reproduction.		
Test Treatment	% Survival	Reproduction (# neonates/female)
Lab Control	100	19.4
12.5% effluent	100	20.1
25% effluent	100	19.7
50% effluent	100	18.4
75% effluent	80	14.4*
100% effluent	100	15.2*
Summary of Statistics		
No Observable Effect Concentration (NOEC) =	100% effluent	50% effluent
TUc (100/NOEC) =	1.0	2.0
Survival EC25 or Reproduction IC25 =	could not be determined, can be assumed to be >100% effluent	74.9% effluent

\* Significantly less than the Lab Control treatment response (p < 0.05).

TAB 0C

March 2011 Chronic Toxicity

Test Results



Tony Morales  
Malaga Wastewater Treatment Facility  
3580 S. Frank Street  
Fresno, CA 93725-2511

April 22, 2011

Dear Mr. Morales:

I have enclosed a copy of the report "NPDES Compliance Chronic Toxicity Testing of the Malaga WTF Final Effluent" for testing performed of the effluent samples collected on March 21, 23, and 25, 2011. The results of these tests can be summarized as follows:

**Chronic Effects of Malaga Effluent on *Selenastrum capricornutum***

There was a significant reduction in algal growth in the Malaga effluent; the NOEC was 75% effluent, resulting in 1.3 TUc.

**Chronic Effects of Malaga Effluent on *Ceriodaphnia dubia***

There were no significant reductions in *Ceriodaphnia* survival or reproduction in the Malaga effluent; the NOEC was 100% effluent, resulting in 1.0 TUc for both test endpoints.

**Chronic Effects of Malaga Effluent on Larval Fathead Minnows**

There were no significant reductions in fathead minnow survival or growth in the Malaga effluent; the NOEC was 100% effluent, resulting in 1.0 TUc for both test endpoints.

If you have any questions regarding the performance or interpretation of these tests, please feel free to contact my colleague Stephen Clark or myself at (707) 207-7760.

Sincerely,

Drew  
Gantner

Drew Gantner  
Sr. Aquatic Ecotoxicologist

Digitally signed by Drew Gantner  
DN: cn=Drew Gantner, o=Pacific  
EcoRisk, ou,  
email=dgantner@pacificecorisk.  
com, c=US  
Date: 2011.04.25 17:30:43 -0700

This testing was performed under Lab Order 18130. The test results reported herein conform to the most current NELAC standards, where applicable, unless otherwise narrated in the body of the report, and only relate to the sample(s) tested. This report shall not be reproduced, except in full, without the written consent of Pacific EcoRisk.

TAB 0D

March 2012 Chronic Toxicity

Test Results



PACIFIC ECORISK

ENVIRONMENTAL CONSULTING & TESTING

Tony Morales  
Malaga Wastewater Treatment Facility  
3580 S. Frank Street  
Fresno, CA 93725-2511

April 24, 2012

Dear Mr. Morales:

I have enclosed two copies of our report "NPDES Compliance Chronic Toxicity Testing of the Malaga WTF Final Effluent: Accelerated Monitoring Test #2 with *Selenastrum capricornutum*" for testing performed on the effluent sample collected on March 13, 2012. The results of this test follow:

**Chronic Effects of Malaga Effluent on *Selenastrum capricornutum***

There was a significant reduction in algal growth in the 100% Malaga effluent; the NOEC of 75% effluent resulted in 1.3 TUc (where TUc = 100/NOEC). The IC25 was 87% effluent.

If you have any questions regarding the performance and interpretation of this test, feel free to contact Stephen Clark or myself at (707) 207-7760.

Sincerely,

Drew Gantner

Digitally signed by Drew Gantner  
DN: cn=Drew Gantner, o=Pacific EcoRisk,  
ou, email=dgantner@pacificcorisk.com,  
c=US  
Date: 2012.04.25 09:19:40 -08'00'

Drew Gantner  
Sr. Aquatic Ecotoxicologist

This testing was performed under Lab Order 19289. The test results reported herein conform to the most current NELAC standards, where applicable, unless otherwise narrated in the body of the report, and only relate to the sample(s) tested. This report shall not be reproduced, except in full, without the written consent of Pacific EcoRisk.

TAB 1  
(Violation 1.A)

TAB 1A

2004 Sewer Use Ordinance

pp. A-21, A-23

## USE OF PUBLIC SEWERS

**Section 2.4.01 Introduction.** This chapter is applicable to areas within the boundaries of the Malaga County Water District and to all other areas and entities which by contract are bound to comply with the ordinances, resolutions, rules and regulations of the District.

**Section 2.4.02 Prohibitions on Wastewater Discharges.** No Person shall discharge or deposit or cause or allow to be discharged or deposited into the Wastewater Facilities any Wastewater which may cause interference or pass through or which contains the following:

(A) **Oils and Grease.**

(1) Oil and grease concentrations or mass emission rates in violation of applicable federal pretreatment standards.

(2) Wax, grease or oil of animal, vegetable, mineral or petroleum origin (including emulsified forms) in any concentration or quantity which may cause or significantly contribute to flow obstruction, pass through or interference, or otherwise be incompatible with the Wastewater Facilities.

(3) Oil and grease limitations are established at 100 mg/l.

(B) **Explosive Mixtures.** Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Wastewater Facilities or to the operation of such Wastewater Facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes and any other liquids having a closed-cup flashpoint of less than 140 F, peroxides, chlorates, perchlorates, bromates, carbides, formaldehyde, hydrides, and sulfides.

At no time shall the reading on a combustible gas meter at the point of discharge, or at any point in the Wastewater Facilities exceed five percent (5%) of the lower explosive limit (LEL) of the meter.

(C) **Noxious Material.** Noxious or malodorous solids, liquids or bases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, may cause acute worker health and safety problems, or are or may be sufficient to prevent entry into a Sewer for its maintenance and repair.

(D) **Improperly Shredded Garbage.** Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than three eighths (3/8) inch in any dimension.

(3) Any chemical element or compound, including taste or odor producing substances, which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the Wastewater Facilities.

(I) Unpolluted Waters. Any unpolluted water including, but not limited to, water from cooling systems or of Storm Water origin, which will increase the hydraulic load on the Wastewater Facilities.

(J) Discolored Materials. Wastes with objectionable color not removable by the treatment process. Such color shall be objectionable if it causes the plant effluent to fail to meet State or EPA standards for turbidity or light transmittance, or if it causes pollution to Waters of the State.

(K) Corrosive Wastes. Any Waste which will cause corrosion or deterioration detrimental to the design life expectancy of the Wastewater Facilities. All Wastes discharged to the Public Sewer must have a pH value in the range of six (6.0) to nine (9.0) standard units. Materials which may be prohibited under this Section include, but are not limited to, acids, caustic, sulfides, concentrated chloride and flouride compounds, and substances which will react with water to form acidic products.

(L) Interference With Reclamation or Reuse. Any Waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances in the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(M) Nuisance. Any Waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to the District or to any public agency having regulatory jurisdiction over the District.

(N) Incompatible Pollutants. Any Waste which is not a "compatible pollutant" as defined in this Sewer Use Ordinance or which may interfere with or may pass through the Sewerage System or which may cause abnormal increase in the operation costs of the Wastewater Facilities.

Section 2.4.03 Limitations on Wastewater Discharges. The following table specifies the maximum concentrations of pollutants allowable in Wastewater discharges to the Wastewater Facilities.

Table 1

pH -- acceptable range 6.0-9.0 pH units

Temperature -- not to exceed temperatures that will cause interference or that will cause the influent at the treatment plant to exceed 104°F, but in no case to exceed 150°F.

TAB 1B

2010 PCI Summary Report, p. 4

## 6. Control Mechanisms

To ensure compliance with applicable pretreatment standards, the federal pretreatment regulations at 40 CFR 403.8(f)(1)(iii) require POTWs to control the discharges from nondomestic dischargers by using control mechanisms (permits or other similar means). The control mechanisms must include, at a minimum, the following:

- Statement of duration (in no case more than 5 years)
- Statement of no transferability
- Effluent limits, including BMPs based on applicable pretreatment standards
- Self-monitoring, sampling, reporting, and record-keeping requirements
- Statement of penalties
- Compliance schedules (if applicable)
- Required resampling within 30 days after noticing a violation
- Slug control requirements (if necessary)
- Notification requirements
  - Notice of slug loadings
  - Notification of spills, bypasses, or upsets
  - Notification of significant change in discharge
  - Notification within 24 hours after noticing a violation.

Permits for CIUs must also properly use the combined wastestream formula, properly convert mass-based limits to concentration-based limits, and properly apply production-based limits (if applicable) and must include a prohibition on dilution as a substitute for treatment.

### 6.1 Reissuance of SIU permits

The Tetra Tech inspector could not find the 2009 Calpine permit. District personnel indicated that all SIU permits are issued for a duration of one year. The Tetra Tech inspector could find only an unsigned draft 2009 permit for Calpine. The District personnel could not explain why there was no final and signed 2009 permit in the files. According to Section 2.8.01 of the District's SUO, all SIUs discharging to the WWTF must have a permit. Without documentation of a final and signed permit in the files, it could be perceived that Calpine discharged illegally in 2009. Therefore, the District is required to ensure that every SIU is issued a signed and final permit prior to the expiration of the previous permit.

### 6.2 Effluent Limits

The iron limit in Calpine's permit is inconsistent with the limit established in the District's SUO. The iron limit in the permit is listed as 10 parts per million (milligrams per liter, mg/L) but the SUO specifies that the local limit for iron is 1 part per million. Therefore, the District is required to revise Calpine's permit to include the iron limit established in the SUO.

TAB 1C

2014 PCA Final Summary Report, p. 16

## **7.5 Effluent Limits**

According to the 2010 inspection report, the iron limit in Calpine's permit was inconsistent with the limit established in the District's SUO. The iron limit in the permit was listed as 10 mg/L, but the SUO specified that the local limit for iron was 1 mg/L. Therefore, the District was required to revise Calpine's permit to include the iron limit established in its SUO. In response to this requirement, the District stated that the District, legal counsel, and Contract Engineer will review the limits identified in the SOU [sic] and the individual SIU permits. If exceptions to the SOU [sic] are not allowed, the necessary modifications to limits will be incorporated into the updated SOU [sic].

According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3), permits are required to include effluent limits. As a component of the 2014 audit, the RockTenn CP, LLC (formerly Calpine Corrugated, LLC) permit was reviewed. It was determined that the effluent limit for iron is not included in the RockTenn permit. However, according to part 3.2 of the facility permit, RockTenn is required to collect a grab sample for iron in June from measurement location 001. The District is required to amend the RockTenn permit to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3).

## **7.6 Self-monitoring Requirements**

According to the 2010 inspection report, the permits reviewed contained inconsistent self-monitoring requirements. Therefore, the District was required to review all monitoring requirements to ensure that they were consistent throughout each permit. In response to this requirement, the District stated that the current SIU permits contain consistent monitoring requirements throughout. The District also stated that this item was addressed prior to the issuance of the NOV from the Central Valley Water Board. Current copies of permits assigned to each SIU were included in the report of September 30, 2013.

As a component of the 2014 audit, it was determined that part 3.2(a) of the permits reviewed stated the specific monitoring requirements for the user, including sample parameters, measurement location, frequency, and sample type. The audit team found the self-monitoring requirements in each permit reviewed to be consistent throughout the IU permit.

According to the 2010 inspection report, the permits did not clearly specify what types of samples must be collected for each pollutant. Therefore, the District was required to review all SIU permits to ensure that the appropriate sampling technique was clearly identified for each pollutant that the discharger was required to self-monitor. In response to this requirement, the District stated that the sample type and frequency were contained in SIU permits in Part 3—Monitoring and Reporting Requirements. The District also stated that this item was addressed prior to the issuance of the NOV. Current copies of permits assigned to each SIU were included in the report of September 30, 2013.

As a component of the 2014 audit, the self-monitoring requirements included in the SIU permits were reviewed. It was determined that Part 3.2, Self Monitoring Requirements

TAB 1D

2012 Stratas Foods Permit (included in  
2012 Annual Pretreatment Report)

## PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

### 1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 01-13-2004. Prohibited materials include but are not necessarily limited to:

- (a) Any materials which may cause interference or pass-through;
- (b) Oils and grease in any concentration or quantity which may contribute to an obstruction;
- (c) Explosive mixtures;
- (d) Noxious material;
- (e) Improperly shredded garbage;
- (f) Solid or viscous wastes which may cause obstruction;
- (g) Slug loads;
- (h) Toxic or hazardous substances;
- (i) Unpolluted waters
- (j) wastes with objectionable color not removed by the treatment process;
- (k) Corrosive wastes;
- (l) Trucked or hauled waste;
- (m) Any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

### 2. Specific Discharge Prohibitions

**pH acceptable range = 6.0 – 10.5**

E.C. (conductivity) 950 µmhos/cm maximum (monthly average)

B.O.D. 1,000 mg/l, (Surcharge above 300mg/l) (monthly average)

Suspended Solids 1,000 mg/l, (Surcharge above 270mg/l) (monthly average)

C.O.D. 1,000 mg/l, (monthly average)

Oils and Greases 200 mg/l, (monthly average)

Metals (with associated maximum allowable discharge):

lead	5ppm	silver	5ppm		
arsenic	5ppm	benene	0.02ppm	phenols	1ppm
cadmium	0.1ppm	zinc	5ppm		
chromium	5ppm	copper	5ppm	aluminum	5ppm
mercury	0.2ppm	barium	10ppm		
nickel	5ppm	selenium	1ppm	boron	8ppm

TAB 1E

2010 PCI Checklist

Section III, p. 21, (front and back of  
page)

**SECTION III: EVALUATION AND SUMMARY (Continued)**

Description	Regulatory Citation	Checklist Question(s)	Action	
			Rec.	Req.
<b>C. CONTROL MECHANISM EVALUATION (Continued)</b>				
2. Ensure control mechanisms contents include:	403.8(f)(1)(B)	I.B.2.a-j		✓
<p>a. A statement of duration                      b. A statement of nontransferability                      c. Effluent limits                      d. Self-monitoring requirements                      e. A statement of penalties</p> <p>f. Compliance schedules                      g. Notice of slug loading                      h. Notification of spills, bypasses, upsets, etc.                      i. Notification of significant change in discharge                      j. 24-hour notification of violation/resample requirement</p> <p><i>C. Error of Fe limit in Calhoun Permit</i>  <i>d. Self monitoring requirements are listed in "Reporting Requirements"</i>  <i>⊙ No sample type</i></p>				
<b>D. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS</b>				
1. Apply all applicable pretreatment standards	403.8(f)(1)(iii)	I.B.2.a-j		
2. Evaluate the need for SIUs to develop slug discharge control plans	403.8(f)(2)(vi); 403.5	I.C.1 - 6; II.D.2		✓
<p><i>No document slug evaluations</i></p> <p><i>↳ need to send slug evaluation forms to District</i></p>				
<b>E. COMPLIANCE MONITORING</b>				
1. Inspect and sample each SIU in accordance with approved program	Approved program	I.D.2 & 7; II.E.1		✓
<p><i>No documented compliance inspections or monitoring</i></p>				

6. No statement of notification & 30 day resampling
- d 3. No documentation of sampling location
4. Should not reference reporting requirements must be clearly identified in permits (i.e. signature, certification, due dates, reporting requirements) - No due dates!
5. No requirement to report plug loading, spills, bypasses.
- e. Permit does not include a statement of applicable civil & criminal penalties

TAB 1F

2009 PPG Industries Permit (included in  
2009 Annual Pretreatment Report)

p. 3

10. Transferability

This permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or to a new or changed operation.

11. Enforcement and Penalties

Failure to comply with any of the provisions of this permit, Ordinance 3-14-95, or applicable State or Federal laws or regulations may result in any or all of the following actions:

- (a) administrative actions including but not limited to Notices of Violation, Administrative Orders, Administrative Hearings, Governing Board Hearings, Compliance Orders, and civil penalties;
- (b) legal actions including but not limited to preliminary or permanent injunctions, or both;
- (c) civil and/or criminal penalties;
- (d) permit revocation;
- (e) temporary or permanent disconnection from the District's sewerage system.
- (f) water supply severance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing the provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the permittee's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion after the expiration of the time limits.

13. Maintenance Fee

A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case by case basis.

TAB 1G

2013 RockTenn Permit (included in  
2013 Annual Pretreatment Report)

(3 pages total)

### **PART 3 MONITORING AND REPORTING REQUIREMENTS**

1. General Monitoring Requirements

- (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.
- (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and ordinance 01-13-2004.
- (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.
- (d) All samples must be collected, preserved, and analyzed in accordance with the procedures established in 40 CFR Part 136, and amendments.

2. Specific Monitoring Requirements

- (a) From the period beginning on the effective date of the permit, the permittee must monitor outfall 001 for the following parameters, at the indicated frequency:

Sample Parameter (units)	Measurement Location	Frequency	Sample Type
Flow (gpd)	001	Daily <sup>1</sup>	
BOD (mg/L)	001	Monthly	grab
TSS(mg/L)	001	Monthly	grab
Aluminum(mg/L)	001	June	grab
Arsenic (mg/L)	001	June	grab
Cadmium (mg/L)	001	June	grab
Chromium <sup>5</sup> (mg/L)	001	June	grab
Barium (mg/L)		June	grab
Boron (mg/L)		June	grab
Copper (mg/L)	001	June	grab
Iron (mg/L)	001	June	grab
Zinc (mg/L)	001	June	grab
pH (s.u.)	001	Weekly	Grab
Electroconductivity (µmhos/cm)	001	Continuous	Continuous

(meter)<sup>1</sup>

<sup>1</sup>Daily flows are to be recorded from the permittee's flow meter.

(grab) <sup>3</sup>A single grab sample of daily discharge.

<sup>4</sup>Flow-proportional composite sample over daily duration of discharge.

- (b) The sampler shall be maintained in accordance with manufacturer's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C (±2.0°C).
- (c) Operate and maintain flowmeter, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually.

3. Reporting Requirements

- (a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.
- (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.
- (c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with the permit or Ordinance 01-13-2004, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment.
- (d) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)
- (e) Monitor grease traps weekly (record scum and solids level)
- (f) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premise. Submit copies of the log on a quarterly basis to MCWD for the first year and annually thereafter.
- (g) Monitoring results obtained must be summarized and reported on an Industrial User Monitoring Report Form.

Reports for parameter with a continuous monitoring frequency must be submitted monthly. The reports are due within 15 days after the end of each calendar month.

Reports for parameter with a 6 months monitoring frequency must be submitted within 15 days after each reporting period. The reporting period is January-December (calendar year).

All monitoring reports must indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the reporting period preceding the submission of each report.

(h) Certification Statements

The permittee is required to sign and submit the following certification statement with all monitoring reports:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are signification penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

All reports required by this permit must be submitted to the **Malaga County Water District** at the following address:

Malaga County Water District  
Attention: Manager  
3580 S. Frank Street  
Fresno, CA 93725

## **PART 4 SPECIAL CONDITIONS**

1. Reservation of Sewer Unit Allocation

The user shall pay a reservation fee of \$2,500/month for the reservation of 735 sewer units.

2. Automatic Re-sampling

TAB 1H

2014 PCA Final Summary Report

p. 15

### **7.3 Sampling Location**

According to the 2010 inspection report, the permits reviewed did not specify the correct sampling points. Therefore, the District was required to revise each SIU permit to include a specific description of where the sampling point was located. In response to this requirement, the District stated that the SIU permits would be reviewed to confirm the designation of specific sampling points. In addition, the District stated that the specific locations of sampling points for SIUs are defined in the individual permit files.

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require POTWs to identify the sampling locations in control mechanisms (permits). As a component of the 2014 audit, the sampling locations listed in the permits were reviewed. Each of the permits reviewed stated that the permittee must monitor outfall 001. In addition, part 3.2(a) of the permits lists the measurement location as "001." However, this measurement location is not defined, described, or depicted in the permits. In order to ensure that samples are collected at the correct locations, the District is required to include an adequate description of the sampling locations in the permits as stated in the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4). The audit team also recommends that the District develop diagrams or include photographs of the sampling locations in the permits to avoid any confusion. For more information about the sampling locations at the facilities inspected as part of the audit, refer to section 9.3, Nondomestic Discharger Site Inspections Conducted during the Audit.

### **7.4 Statement of Civil and Criminal Penalties**

According to the 2010 inspection report, the permits reviewed did not contain statements of applicable civil and/or criminal penalties. Therefore, the District was required to review all SIU permits to ensure that each SIU permit included a statement of applicable civil and/or criminal penalties. In response to this requirement, the District stated that the SUO had the appropriate civil and/or criminal penalty language; however, this was not referenced specifically in the SIU permits. The language was incorporated by reference to the existing SOU [sic]. In addition, the District stated that the District, legal counsel, and Contract Engineer reviewed specific language that has been proposed to be added to the individual permits. The draft language had been attached to the permits and would be submitted to the Central Valley Water Board in November 2013. The draft language was also incorporated with the SOU [sic] adoption anticipated for January 2014.

As a component of the 2014 audit, the permits were reviewed to determine if the appropriate modifications had been completed regarding the civil and criminal penalties statement. According to part 1.14 of the permit, "Failure to comply with any provisions of this permit, Ordinance 01-13-2004, or applicable State or Federal laws or regulations may result in ...(c) civil and/or criminal penalties." However, the draft version of the SUO provided to the audit team by the District was Ordinance No. 2013-1. The District is required to update the SUO reference in the permits to the most recent version of the SUO.

TAB 11

2009 Air Products Permit (included in  
2009 Annual Pretreatment Report)

pp. 1-6

## **PART 1 STANDARD CONDITIONS**

### **1. Duty to Comply**

The permittee shall comply with all of the conditions of this permit and all of the provisions, terms, and requirements of all orders, ordinances, rules, and regulations of the District, including but not limited to connection permits, baseline discharge requirements (per Ordinance 3-14-95) and agreements for wastewater disposal variance, as amended.

### **2. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the wastewater treatment system or the environment resulting from noncompliance with this permit.

### **3. Notification and Reporting**

The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

The permittee shall furnish any information relating to wastewater discharge quantity and quality as required by the District, and shall comply with all reporting requirements specified in this permit.

### **4. Retention of Records**

The permittee shall maintain a copy of this permit and Ordinance 3-14-95 on file at 3333 S. Peach Ave., Fresno, CA 93725.

The permittee shall maintain on-site for a minimum of three years any records of monitoring activities and results, and wastes hauled off-site (including Uniform Hazardous Waste Manifests), and make such records available for inspection and copying by District staff upon request. All records that pertain to matters that are the subject of Administrative Orders or any other enforcement or litigation activities brought by the District shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

### **5. Costs and Fees**

The permittee shall pay all fees required by District ordinances, including but not limited to, connection fees, annexation fees, bond debt services charges, and sewer unit fees.

The permittee shall also pay any additional cost or expenses incurred by the District for handling and treating excess loads imposed on the treatment system and any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

### **6. Facilities**

The permittee shall make wastewater acceptable under the limitations of Ordinance 3-14-95 before discharging to the sewerage system. Any facilities required to pretreat wastewater to a level

acceptable to the District shall be provided and maintained at the permittee's expense. Detailed plans showing the pretreatment facilities and operating facilities shall be submitted to the District for review, and shall be acceptable to and approved by the District, in writing, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of Ordinance 3-14-95. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

Pretreatment facilities (including sampling and flow monitoring facilities) shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations, and any applicable permits by the permittee at the permittee's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws. Intermittent operation of pretreatment facilities, except as provided for in writing by the District, during discharge to the sewerage system is prohibited.

All solids, sludge, filter backwash or other pollutants removed by pretreatment facilities shall not be discharged to the sewerage system, but shall be stored, treated and/or disposed of in accordance with applicable State and Federal regulations.

7. Right of Entry

The permittee shall allow District personnel, upon the presentation of credentials, to enter upon any property or premises at all reasonable times for the purposes of:

- (a) reviewing and copying any records required to be kept under the provisions of Ord. 3-14-95;
- (b) inspecting any monitoring equipment, pretreatment facility or discharge-producing process; or
- (c) inspecting and/or sampling any discharge of wastewater to the wastewater facilities.

District personnel may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, District personnel shall make every effort to immediately notify the permittee's designated agent.

8. Duration

The terms and conditions of this permit shall remain in effect until either:

- (a) the permit is modified;
- (b) the permit is revoked;
- (c) the permit expires and cause is determined for non-renewal of the permit.

Failure of the District to act upon a valid permit application or renewal application shall allow for automatic extension of operations under existing permit conditions until such District action is complete.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected hereby.

10. Transferability

This permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or to a new or changed operation.

11. Enforcement and Penalties

Failure to comply with any of the provisions of this permit, Ordinance 3-14-95, or applicable State or Federal laws or regulations may result in any or all of the following actions:

- (a) administrative actions including but not limited to Notices of Violation, Administrative Orders, Administrative Hearings, Governing Board Hearings, Compliance Orders, and civil penalties;
- (b) legal actions including but not limited to preliminary or permanent injunctions, or both;
- (c) civil and/or criminal penalties;
- (d) permit revocation;
- (e) temporary or permanent disconnection from the District's sewerage system.
- (f) water supply severance

12. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the Manager, interpreting or implementing the provisions of Ordinance 3-14-95 or any permit issued therein, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the permittee's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, this person may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. The written appeal shall be heard by the body within sixty (60) days from the date of filing. The District's Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Any permittee aggrieved by a final order issued by the Board of Directors may obtain review of the order of the Board in the Superior Court by filing in the court a petition for writ of mandate within thirty (30) days following the service of a copy of a decision and order issued by the Board.

If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the Board shall not be subject to review by any court or agency, except that the Board may grant review on its own motion after the expiration of the time limits.

13. Maintenance Fee

A permittee may apply for a permit to maintain availability of allocated sewer units. A determination will be made by the District of applicable fixed costs associated with said sewer units. The District may issue a permit to maintain the allocated sewer units for a specific time frame. Terms and conditions of such a permit are determined on a case by case basis.

## PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

### 1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 3-14-95, Chapter II. Prohibited materials include but are not necessarily limited to:

- (a) any materials which may cause interference or pass-through;
- (b) oils and grease in any concentration or quantity which may cause or contribute to obstruction;
- (c) explosive mixtures;
- (d) noxious material;
- (e) improperly shredded garbage;
- (f) solid or viscous wastes which may cause obstruction;
- (g) slug loads;
- (h) toxic or hazardous substances;
- (i) unpolluted waters;
- (j) wastes with objectionable color not removed by the treatment process;
- (k) corrosive wastes;
- (l) trucked or hauled waste;
- (m) any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

### 2. Specific Discharge Prohibitions

pH	acceptable range = 6.0 - 9.0
E.C. (conductivity)	950 µmhos/cm maximum
B.O.D.	1,000 mg/l,
Suspended Solids	1,000 mg/l,
Oils and Greases	100 mg/l

Metals (with associated maximum allowable discharge):

iron	2ppm	copper	5ppm
arsenic	5ppm	mercury	0.2ppm
		selenium	1ppm
chromium	5ppm	silver	5ppm
		phenols	1ppm
nickel	5ppm	zinc	5ppm
lead	5ppm	aluminum	5ppm
benzene	0.02ppm	barium	10ppm
cadmium	0.1ppm	boron	8ppm

Screening size 20 mesh/inch

Temperature - maximum of 150°F

### **PART 3 MONITORING AND REPORTING REQUIREMENTS**

#### **1. General Monitoring Requirements**

- (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.
- (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and Ordinance 3-14-95.
- (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

#### **2. Specific Monitoring Requirements**

- (a) One flow-proportional 24-hour composite sample every month. The timing of obtaining samples shall be spaced by approximately 4 weeks. The sampler shall be maintained in accordance with manufacturer's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C ( $\pm 2.0^\circ\text{C}$ ).
- (c) Operate and maintain flowmeter, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually. The flowmeter shall record instantaneous and cumulative flow discharged from the facility.

#### **3. General Reporting Requirements**

- (a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.
- (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.
- (c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with this permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

4. Specific Reporting Requirements

- (a) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)
- (b) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premises. Submit copies of the log on an annual basis. This log shall be submitted by July 31 of each year.
- (c) Submit to the District on a monthly basis a record of daily flow discharge from the site. The information shall be submitted to the District by the 28<sup>th</sup> of the month following.
- (d) Submit to the District the results of the composite sample of , Ec, Iron, Copper, BOD, TSS taken each quarter. Submit to the District the results of a grab sample taken the same day as the composite sample for pH. The information shall be submitted to the District by the 28<sup>th</sup> of the month following.

**PART 4 SPECIAL CONDITIONS**

No special conditions.

TAB 1J

2014 PCA Final Summary Report  
Paragraph 7, p. 35

or other means. During initial conversations with the District representative, the Fresno Truck Wash facility was discussed. The District representative provided the audit team with a list of facilities that were monitored daily for electrical conductivity (EC), conducted, ultimately, for billing purposes. The District representative stated that the EC monitoring results indicated that the Fresno Truck Wash was discharging wastewater with high EC values to the sanitary sewer. This facility was not covered by a permit. As a component of the 2014 audit, the audit team visited the facility and verified that the facility was discharging wastewaters with significant pollutant loading to the sanitary sewer without a permit. The District is required to develop and implement procedures to identify and locate all possible IUs which might be subject to the pretreatment program as stated in the federal regulations at 40 CFR 403.8(f)(2)(i). The District is also required to control through permit, order, or similar means the contribution to the POTW by each IU to ensure compliance with applicable pretreatment standards and requirements as stated in the federal regulations at 40 CFR 403.8(f)(1)(iii). (Section 6, Nondomestic Discharger Characterization)

7. According to the federal regulations at 40 CFR 403.8(f)(1)(iii), the District is to control, through permit, order, or similar means, the contribution to the POTW by each IU to ensure compliance with pretreatment standards and requirements. As a component of the 2014 audit, the IU permits were discussed. The District representative stated that SIU permits are renewed annually and other permits are renewed every two to three years. The District's Contract Engineer stated that the SIU permits were renewed annually so the permits and information stayed current and so the District is actively aware of their expiration date. At the time of the 2014 audit, the District representative stated that the SIU permits were expired. Therefore, the District's significant nondomestic dischargers were discharging to the District's sanitary sewer with expired (invalid) permits. The District representative stated that the recent retirement of the previous general manager had precluded the SIU permits from being renewed. The District representative and the Contract Engineer stated that the Board of Directors were meeting a week after the audit and would review and sign the new permits at that time. The District is required to ensure that IU permits do not expire before issuing updated permits in order to control the contribution to the POTW from each industrial user to ensure compliance with applicable pretreatment standard and requirements as stated at the federal regulations at 40 CFR 403.8(f)(1)(iii). (Section 7.1, Reissuance of SIU Permits)
8. As required at 40 CFR 403.8(f)(1)(iii)(B)(1), permits must contain a statement of duration, not to exceed five years. During the 2014 audit, it was determined that the permits reviewed had an issuance date and an expiration date but did not have an effective date. Permits should be issued before their effective dates so that permittees are aware of their limitations, obligations, and requirements before they are held responsible for upholding those permit conditions. From the information provided on the permits, the audit team could not determine if permits were issued prior to becoming effective. Therefore, the District is

TAB 1K

2010 PCI Summary Report, p. 5

### **6.3 Self-Monitoring Requirements**

The permits reviewed contain inconsistent self-monitoring requirements. For example, Part 3.2(a) of Calpine's permit specifies that the discharger is required to collect a minimum of one flow-proportional 24-hour composite each month processing occurs. The permit does not specify which pollutants are subject to composite sampling requirements. Then section 3.4(d) and (e) of the permit specifies that the discharger is required to conduct monthly monitoring of biochemical oxygen demand (BOD), total suspended solids (TSS), and iron and biannual sampling of aluminum, arsenic, barium, boron, cadmium, chromium, copper, and zinc. According to Part 3.2(a) of the permit, if the discharger conducts processing every month, the discharge could be subject to monthly composite sampling requirements. But according to section 3.4(d) and (e), the discharger is subject to different monitoring requirements. Therefore, the District is required to review all monitoring requirements to ensure that they are consistent throughout the permit.

Furthermore, the District's permits do not clearly specify what types of samples must be collected for each pollutant. For example, the Calpine permit does not specify what types of sampling techniques must be used for aluminum, arsenic, barium, boron, cadmium, chromium, copper, zinc and iron. Therefore, the District is required to review all SIU permits to ensure that the appropriate sampling technique is clearly identified for each pollutant that the discharger is required to self-monitor.

The permits reviewed do not specify the appropriate sampling point. Therefore, the District is required to revise all SIU permit to include a specific description of where the sampling point is located.

### **6.4 Reporting and Notification Requirements**

The permits reviewed do not clearly specify all reporting requirements (i.e., signature requirements, certification requirements). The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require that all permits include all federal reporting requirements, specifically outlined in each SIU permit. Therefore, the District is required to review all SIU permits to ensure that all federal reporting requirements are clearly outlined in them.

The permits reviewed do not include the requirement to notify the District within 24 hours or the requirement to resample and submit the results of the resampling event within 30 days of becoming aware of a violation. Furthermore, the permits do not include the requirement to report slug loadings, spills, or bypasses. The permits only references ordinance 3-14-95 for all notification requirements. The federal regulations at 40 CFR 403.8(f)(2) require that all notification requirements be specifically included in the permit. These notification requirements include all reporting requirements outlined at 40 CFR 403.12. Incorporating the requirements by reference is not acceptable. Therefore, the District is required to review all SIU permit to ensure that each permit specifically outlines the notification and resampling requirements after becoming aware of a violation.

TAB 1L

2014 PCA Final Summary Report

p. 36

required to implement the appropriate changes to ensure and document that the permits are issued before their effective date. (Section 7.2, Permit Effective Date)

9. The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require POTWs to identify the sampling locations in control mechanisms (permits). As a component of the 2014 audit, the sampling locations listed in the permits were reviewed. Each of the permits reviewed stated that the permittee must monitor outfall 001. In addition, part 3.2(a) of the permits lists the measurement location as "001." However, this measurement location is not defined, described, or depicted in the permits. In order to ensure that samples are collected at the correct locations, the District is required to include an adequate descriptions of the sampling locations in the permits as stated in the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4). The audit team also recommends that the District develop diagrams or include photographs of the sampling locations in the permits to avoid any confusion. (Section 7.3, Sampling Location)
10. As a component of the 2014 audit, the permits were reviewed to determine if the appropriate modifications had been completed regarding the civil and criminal penalties statement. According to part 1.14 of the permit, "Failure to comply with any provisions of this permit, Ordinance 01-13-2004, or applicable State or Federal laws or regulations may result in ... (c) civil and/or criminal penalties." However, the draft version of the SUO provided to the audit team by the District was Ordinance No. 2013-1. The District is required to update the SUO reference in the permits to the most recent version of the SUO. (Section 7.4, Statement of Civil and Criminal Penalties)
11. According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3), permits are required to include effluent limits. As a component of the 2014 audit, RockTenn CP, LLC permit was reviewed. It was determined that the effluent limit for iron is not included in the RockTenn permit. However, according to part 3.2 of the facility permit, RockTenn is required to collect a grab sample for iron in June from measurement location 001. The District is required to amend the RockTenn permit to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3). (Section 7.5, Effluent Limits)
12. According to the 2010 inspection report, the permits reviewed did not include the requirement to notify the District of a violation within 24 hours of becoming aware of the violation or the requirement to resample and submit the results of the resampling event within 30 days of becoming aware of a violation. Furthermore, the permits did not include the requirements to report slug loadings, spills, or bypasses. Therefore, the District was required to review all SIU permits to ensure that each permit specifically outlines the notification and resampling requirements upon becoming aware of a violation. In response to this requirement, the District stated that the required slug control and resampling requirements were now part of SIU permits in Part 4–Special Conditions. The 2014 audit team found that part

TAB 1M

2015 PCI Final Summary Report

p. 15

changes to ensure and document that permits are issued before their effective date. The permits must state an issue date and an effective date, accordingly.

### **6.3 Sampling Location**

The 2014 audit report stated that the District's wastewater discharge permits required that the permittees monitor outfall 001. However, this sampling location is not defined, described, or depicted in the permits. In order to ensure that samples are collected at the correct locations, the District was required to include a unique and specific description of the sampling locations in the permits as stated in the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4).

As a component of the 2015 inspection, the Kinder Morgan permit was reviewed, and the permit did not include a location where samples are required to be collected for compliance purposes. The 2015 Kinder Morgan permit and other SIU permits reviewed as a component of the inspection referred to "measurement location 001." However, this measurement location was not described or explained in detail in the permits reviewed. Therefore, the District is required to include the sampling locations in the control mechanisms as required by 40 CFR 403.8(f)(1)(iii)(B)(4).

### **6.4 Statement of Civil and Criminal Penalties**

The 2014 audit report describes that Part 1.14 of the District's wastewater discharge permits states, "Failure to comply with any provisions of this permit, Ordinance 01-13-2004, or applicable State or Federal laws or regulations may result in ... (c) civil and/or criminal penalties." However, the draft 2014 SUO provided to the audit team by the District was Ordinance No. 2013-1. The District was required to update the SUO reference in the permits to the most recent version of the SUO.

During the 2015 inspection it was observed that Section 13(c) of the Standard Conditions of the wastewater discharge permits contained a statement of the civil and/or criminal penalties. Therefore, according to the information reviewed during the 2015 inspection, the District had appropriately modified the SIU permits to include the statement of civil and criminal penalties.

### **6.5 Effluent Limits**

According to the 2014 audit report, 'The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) state, permits are required to include effluent limits.' As a component of the 2014 audit, the RockTenn CP, LLC permit was reviewed. It was identified that the effluent limit for iron was not included in the RockTenn permit. However, according to part 3.2 of the facility permit, RockTenn was required to collect a grab sample for iron in June from measurement location 001. The District was required to amend the RockTenn permit to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3)."

As stated previously, the local limits included in the 2004 SUO were still in effect at the time of the 2015 inspection. The local limits provided in the 2004 SUO were inconsistent with the local limits/effluent limits included in the 2014 and 2015 SIU wastewater

TAB 1N  
2010 PCI Checklist  
Section II, p. 14

Class IA = 25,000 gpd and/or  
type of pretreatment  
required.

SECTION II: SUPPLEMENTAL DATA REVIEW/INTERVIEW (Continued)

C. CONTROL MECHANISM EVALUATION [403.8(f)(1)(iii)]

1. a. How many SIUs (as defined by the CA) are required to be covered by an individual control mechanism? 5

List SIUs:

b. How many SIUs (as defined by the CA) are required to be covered by a general control Mechanism?  

List SIUs:

c. How many SIUs are not covered by an existing, unexpired permit or other control mechanism? [WENDB - NOCM] [RNC - II]  

If any, explain.

Class IA permits are 1 yr. duration

2. How many control mechanisms were not issued within 180 days of the expiration date of the previous control mechanism? [RNC - II]  

If any, explain.

TAB 10  
2015 PCI Summary Report  
pp. 17-18

Parameter	Local Limits per the 2004 SUO (ppm)	Local Limits per the 2014 Permit (ppm)*	Local Limits per the 2015 Permit (mg/L)
<i>(O&amp;G)</i>			
<i>Polar oil and grease</i>	N/A	N/A	300
<b>Chloride</b>	N/A	N/A	No limit listed
<b>Cyanide</b>	N/A	N/A	No limit listed
<b>Ammonia, as N</b>	N/A	N/A	No limit listed
<b>Nitrite+Nitrate, as N</b>	N/A	N/A	No limit listed
<b>Phosphorous</b>	N/A	N/A	No limit listed
<b>Fluoride</b>	N/A	N/A	No limit listed
<b>Diazinon</b>	N/A	N/A	No limit listed
<b>Calcium</b>	N/A	N/A	No limit listed
<b>Magnesium</b>	N/A	N/A	No limit listed

\*Monthly average, unless stated otherwise.

\*\*The 2004 SUO refers to the parameter as "Benene." The Inspection Team assumed this was a typographical error, and the parameter should be "Benzene," which is the parameter stated in the 2015 permit.

\*\*\*The 2004 SUO refers to the units for pH as "pH units." The 2014 and 2015 permits do not include units for pH.

\*\*\*\*The Kinder Morgan and Rio Bravo Permits had an O&G limit of 100 mg/L. However, the Air Products, PPG, RockTenn, and Stratas Foods permits have an O&G limit of 200 mg/L.

It was unclear to the Inspection Team why the limits for the various parameters included in the 2004 SUO, 2014 SIU permits, and 2015 SIU permits were inconsistent. In addition, it was unclear to the Inspection Team if these modified limits had a technical basis. It was also unclear why the parameters in the bold-face type were listed in the 2015 permits without associated limits. Finally, it was unclear how the District had developed limits for the parameters in the italicized font. Although these limits were provided in the 2015 nonresidential permits, no technical basis for their development was provided to the Inspection Team. The District is required to amend the permits to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3). The District is reminded that local limits must be technically based and adopted by the District before they can be applied to the industrial users. The District is also reminded that in the event that local limits are relaxed or removed, the District must receive approval from the Central Valley Regional Water Board prior to adopting and implementing the relaxed or removed limits.

### 6.5.1 Sampling Type and Frequency

According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4), individual control mechanisms must be enforceable and contain self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type. As a component of the 2015 inspection, the 2014 Rio Bravo Fresno and 2015 Kinder Morgan

permits were reviewed. The Inspection Team observed that the sample type required for flow was not listed in the 2014 Rio Bravo Fresno permit and was listed as “grab” in the 2015 Kinder Morgan permit. It was unclear to the Inspection Team how flow was to be measured. The District’s General Manager stated that the permits should be amended to state that samples for flow are to be measured using a flow meter.

The 2015 Kinder Morgan permit also stated that the sampling frequency was “per slug discharge.” The Inspection Team discussed the definition of “slug discharge” with the District representatives and observed that the District representatives were confusing the term “batch discharge” with “slug discharge” and that the intent of the sampling frequency in the permit was for “batch discharges.” The District and Inspection Team had in-depth conversations about the meaning and applicability of each term. The District is required to include the correct measurement method for flow and the appropriate sampling frequency for each parameter in the SIU permits in accordance with the regulations at 40 CFR 403.8(f)(1)(iii)(B)(4).

### **6.5.2 Application of Local Limits**

According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3), permits are required to include effluent limits. As a component of the 2015 inspection, the 2014 Rio Bravo Fresno permit and the 2015 Kinder Morgan permit were reviewed. The 2014 Rio Bravo Fresno permit included a list of local limits but did not state how these limits were to be applied (daily maximum, monthly average, etc.) Therefore, it was unclear if the District intended to evaluate the results submitted with self-monitoring data against the local limits as daily maximum or monthly average limits. Furthermore, it was unclear if the District intended to take enforcement action against the industries for effluent discharges that were outside of the permitted limits (as daily maximums, monthly averages, or both). For more information regarding the District’s process for requesting, receiving, and analyzing results, in addition to potential permit violations, refer to section 8.4, *Requesting, Receiving, and Analyzing Reports* and Section 9, *Enforcement*.

Section 2(c) of the 2015 Kinder Morgan permit states that the local limits are to be applied as monthly average limits. The 2004 SUO does not state how the local limits are to be applied. Therefore, the technical basis for applying the local limits as monthly averages was unclear to the Inspection Team. The District is required to ensure that the local limits are technically based and that the method in which they are applied is also technically derived. The District is required to include the frequency with which the local limits are to be applied in the SIU permits so that the industrial users are aware of applicable effluent limitations in accordance with the regulations at 40 CFR 403.8(f)(1)(iii)(B)(3).

### **6.6 Reporting and Notification Requirements**

According to the 2014 audit report, the permits did not include a statement requiring the permittees to notify the District in the event of a bypass. The District was required to modify the permits to include the notification of bypass statement located at 40 CFR 403.17(a–c) of the federal regulations.

TAB 1P

2009 Kinder Morgan Permit (included in  
2009 Annual Pretreatment Report)

(2 pages total)

## **PART 3 MONITORING AND REPORTING REQUIREMENTS**

### **1. General Monitoring Requirements**

- (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.
- (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and ordinance 3-14-95.
- (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.

### **2. Specific Monitoring Requirements**

- (a) Compile for the District one flow-proportional 24-hour composite sample for the months of November through March. The composite sample shall be taken during a day that is representative of the discharge operations for the month. The sample location may be from the sample port identified in the Application for Non-Residential Discharge Permit. The analysis shall include BOD, pH, TSS, conductivity, TPH as diesel, and TPH as gasoline.
- (b) The sampler shall be maintained in accordance with manufacture's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C ( $\pm 2.0^{\circ}\text{C}$ ).
- (c) Operate and maintain flowmeter, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually.

### **3. General Reporting Requirements**

- (a) Submit to the District on a monthly basis the daily flow discharge to the sewer. Submit to the District on a monthly basis the results of composite sampling as described above. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.
- (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.

- (c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with the permit or Ordinance 3-14-95, or which might be reasonably judged to constitute a hazard to District personnel, the wastewater treatment system, or the environment.

4. Specific Reporting Requirements

- (a) Monitor grease traps weekly (record scum and solids level)
- (b) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premise. Submit copies of the log on a quarterly basis to MCWD for the first year and annually thereafter.

TAB 1Q

2013 Stratas Foods Permit (included in  
2013 Annual Pretreatment Report)

(3 pages total)

**PART 3 MONITORING AND REPORTING REQUIREMENTS**

1. General Monitoring Requirements

- (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.
- (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and ordinance 01-13-2004.
- (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.
- (d) All samples must be collected, preserved, and analyzed in accordance with the procedures established in 40 CFR Part 136, and amendments.

2. Specific Monitoring Requirements

- (a) From the period beginning on the effective date of the permit, the permittee must monitor outfall 001 for the following parameters, at the indicated frequency:

Sample Parameter (units)	Measurement Location	Frequency	Sample Type
Flow (gpd)	001	Daily <sup>1</sup>	
BOD (mg/L)	001	Weekly	Grab <sup>3</sup>
TSS(mg/L)	001	Weekly	Grab <sup>3</sup>
pH (s.u.)	001	Weekly	Grab <sup>3</sup>
Electroconductivity (µmhos/cm)	001	Weekly (Normal business days <sup>2</sup> )	Grab <sup>3</sup>
Oils and Greases (mg/l)	001	2 times/ week	Grab <sup>3</sup>

**(meter)**<sup>1</sup>                      <sup>1</sup>Daily flows are to be recorded from the permittee's flow meter.

<sup>2</sup>Typically Monday through Friday. Not performed on holidays.

**(grab)**                              <sup>3</sup>A single grab sample of daily discharge.

- (b) For open channel flowmeters, operate and maintain flowmeter, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually. For magnetic flowmeters, have the flowmeter reviewed and certified as to proper operating order by a recognized professional in magnetic flowmeter testing and repair every three years and provide proof of the review and certification of proper operating performance prior to July 31 on a three year interval.
- (c) In addition to the weekly grab sample that will be used to demonstrate compliance with the E.C. (conductivity) discharge limitation of 950 µmhos/cm maximum (monthly average), a continuous conductivity meter will be installed, maintained, and calibrated, according to manufacturer's recommendations, to monitor the instantaneous conductivity of the discharge. Data trend records from the conductivity meter output will be electronically maintained and made available for inspection by District staff upon request.

3. Reporting Requirements

- (a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.
- (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.
- (c) The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District (phone 559-485-7353) of any wastewater discharge which is not in compliance with the permit or Ordinance 01-13-2004, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment.
- (d) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)
- (e) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premises. Include the location of the hauled materials. Submit the information monthly.
- (f) Reports for parameter with a continuous monitoring frequency must be submitted monthly. The reports are due within 20 days after the end of each calendar month.

All monitoring reports must indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the reporting period preceding the submission of each report.

(g) Certification Statements

The permittee is required to sign and submit the following certification statement with all monitoring reports:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are signification penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

All reports required by this permit must be submitted to the **Malaga County Water District** at the following address:

Malaga County Water District  
Attention: Manager  
3580 S. Frank Street  
Fresno, CA 93725

TAB 2  
(Violation 1.B)

TAB 2A

2009 Annual Pretreatment Report

### §307(a) of Clean Water Act

Analytical results for pollutants identified in §307(a) of the Clean Water Act and 40 CFR 401.15 are limited. The industries served by the Malaga County Water District are generally not identified as dischargers of these pollutants

### Upset, Interference of Pass-Through Incidents

The District has not experienced upset, interference or pass-through incidents directly associated with industrial users of the treatment plant. The District continues with increased monitoring, education of industrial dischargers, surcharges, and consideration of reduced electroconductivity limits to address this issue.

### Baseline Monitoring Report Notification

The District contacts all Class 1A dischargers a minimum of once per year. The information acquired during the contact is used to update any conditions or the status of the Non-Residential Wastewater Discharge Permit.

### Inspection and Sampling Activities

Many of the industrial and commercial dischargers have been subjects of independent sampling by the Malaga County Water District. Results of the testing are reviewed for consistency with self-monitoring reporting of the industrial dischargers. Facilities that required permit renewal were contacted and inspected prior to issuance of an updated permit. Description of facilities, contact names, and relevant monitoring and reporting requirements were updated pursuant to the inspections. A copy of the typical Inspection Form template is included in Exhibit B.

Several individual dischargers have been identified as the primary sources of electroconductivity to the collection system based on the activities at each site and monitoring information received. The District has performed specific monitoring of said dischargers and has educated the dischargers regarding the pretreatment ordinance and limitations.

### Compliance and Enforcement Activities

The District does have in place a schedule of surcharges that are directed to penalize non-compliance with the limits incorporated in the pretreatment ordinance. The District has not been required to issue surcharges or Notices of Violation in the past year.

### Warning Letters

Fresno Truck Wash

TAB 2B

2010 PCI Checklist

Section I and Section III, p. 22

(2 pages total)

### SECTION I: IU EVALUATION (Continued)

File	File	File	File	File	IU FILE REVIEW	Reg. Cite
					<b>D. CA COMPLIANCE MONITORING</b>	
					<b>Sampling</b>	
1	1				1. Sampling (once a year, except as otherwise specified)	403.8(f)(2)(v)
					a. If a POTW has waived monitoring for CIU	
					• Sample waived pollutant(s) at least once during the term of the control mechanism	403.8(f)(2)(v)(5)
					b. If a POTW has reduced an IU's reporting requirements	403.8(f)(2)(v)(C)
					• Sample and analyze IU discharge at least once every 2 years	
					2. Sampling at frequency specified in approved program	
					3. Documentation of sampling activities	403.8(f)(2)(vi)
					4. Analysis for all regulated parameters	
					5. Appropriate analytical methods (40 CFR Part 136)	403.8(f)(2)(vi)
					<b>Inspection</b>	
2	2				6. Inspection (once a year, except as otherwise specified)	403.8(f)(2)(v)
					a. If a POTW has determined a discharger to be a NSCIU	403.8(f)(2)(v)(B)
					• Evaluation of discharger with the definition of NSCIU once per year (verification of certification forms submitted by NSCIUs, compliance with pretreatment standards and requirements)	
					b. If a POTW has reduced an IU's reporting requirements	403.8(f)(2)(v)(C)
					• Inspect at least once every 2 years	
					7. Inspection at frequency specified in approved program	
					8. Documentation of inspection activities	403.8(f)(2)(vi)
					9. Evaluation of need for slug discharge control plan	403.8(f)(2)(vi)
<b>Comments</b>						
1) District has not been conducting annual compliance monitoring. District will take EC samples.						
2) No documented annual inspection						

SECTION III: EVALUATION AND SUMMARY (Continued)

Description	Regulatory Citation	Checklist Question(s)	Action	
			Rec.	Req.
<b>E. COMPLIANCE MONITORING (Continued)</b>				
2. Inspect and sample each SIU once a year	403.8(f)(2)(v)	I.D.1 & 6; II.E.1 & 2		✓
<i>no inspection or sample found.</i>				
3. Use proper sampling analysis (40 CFR Part 136) and inspection procedures	403.8(f)(2)(vii)	I.D.3, 5 & 8		
4. Require, receive, and analyze reports from SIUs	403.8(f)(2)(iv)	I.B.2.d; I.F.1-12; II.E.1		✓
<p>① District has failed to identify reporting violations (<sup>measure</sup> signature &amp; certification from Calpine).</p> <p>② Failure to identify discharge violations PPG (6/2/09; Fe @ 3.8), Calpine EC &amp; Fe</p>				
5. Monitor to demonstrate continued compliance and resampling after violation(s)	403.8(f)(2)(vii)	I.F.3, 4 & 9		
<p>③ <del>Failure to</del></p> <p><i>No PPG resample after 6/2/09 Fe violation</i></p>				
6. Ensure CIUs report on all regulated pollutants at least once every 6 months	403.12(g)(1)&(2)	I.F.2 & 5		

TAB 2C

6 September 2013 Notice of Violation,  
pp. 1-2

and

2012 Facilities Inspection Form



Central Valley Regional Water Quality Control Board

FILE

6 September 2013

CERTIFIED MAIL  
7012 2920 0000 1430 1844

### NOTICE OF VIOLATION

Russ Holcomb  
General Manager  
Malaga County Water District  
3580 South Frank Street  
Fresno, CA 93725

#### **PRETREATMENT COMPLIANCE INSPECTION, MALAGA COUNTY WATER DISTRICT, WASTEWATER TREATMENT FACILITY, (NPDES CA0084239, RM 389604), FRESNO COUNTY**

On 12 July 2012, Central Valley Water Quality Control Board staff and State Water Resources Control Board staff (Water Board staff) conducted a follow-up inspection to the Pretreatment Compliance Inspection (PCI) of Malaga County Water District (District) conducted by Tetra Tech, Inc., a contractor of the United States Environmental Protection Agency on 18 February 2010. The 2010 PCI Summary Report and the 2012 Facilities Inspection Form are enclosed. The PCI Summary Report lists several pretreatment program deficiencies Tetra Tech identified during the inspection, which are listed in Section 10.1, Requirements (pp 9-11) and includes a number of recommended actions in Section 10.2.

On 5 December 2012, Tetra Tech staff confirmed to Water Board staff that at the end of the District's 2010 PCI, the inspector conducted an exit interview and went over a checklist identifying each deficiency with the District. However, the District's 2010, 2011, and 2012 Annual Pretreatment Reports indicate that it has not made any changes recommended or corrected any deficiencies identified as it is waiting for a formal copy of the PCI. Water Board staff has reviewed the PCI, agrees with the identified deficiencies (which are violations of the District's approved Pretreatment Program) and agrees with the recommendations listed in Section 10.2, Recommendations (pp 11-12).

During the 12 July 2012 follow-up, pretreatment records and files were not available onsite for review, and District staff in charge of the Pretreatment Program were unable to answer basic questions about the Pretreatment Program. District staff referred the inspectors to the Chief Plant Operator in charge of the wastewater treatment facility, who, when contacted via telephone, referred the inspectors to the Pretreatment staff. District staff stated that they frequently test the industries' wastewater discharged to the WWTF for electrical conductivity.

Water Board staff visited three of the District's industrial dischargers; Rocktenn, Stratas Foods, and PPG. Stratas Foods and PPG are significant industrial users and are required to be inspected at least once a year by the District pursuant to 40 CFR403.8(f)(2)(v). Travis Johnson, Safety and

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BOEE, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



APPROVED  
*[Signature]*  
Supervising Engineer

Environmental Coordinator for Rocktenn, stated that he is not aware of a pretreatment inspection of the facility ever being conducted by the District. He stated that District staff only comes by to test the electrical conductivity of the facility's wastewater. Roger Metzler, Plant Manager, Joe Anderton, Plant Superintendent, and Veronica Perez, Environmental Compliance Specialist for Stratas Foods stated that a pretreatment inspection of the facility had never been conducted by the District. Matthew Fidel, Environmental Engineer and Gary Rosenberg, Safety Operator for PPG Industries stated that a pretreatment inspection of the facility had never been conducted by the District. Each industry presented its industrial user permit issued by the District; however each permit was signed by Michael Taylor of Provost and Pritchard, who is not a District employee.

Tetra-tech findings and Water Board staff findings support the concern that the District is not implementing its Pretreatment Program as required. Additionally, the District reported in its 2012 Annual Biosolids Report that in July 2012 biosolids laboratory results showed hazardous waste concentrations for copper and chromium. These results are another indicator to support the concern that the Pretreatment Program is not being properly implemented.

By **28 February 2014** in its Annual Pretreatment Report, the District is to have addressed and documented all the identified deficiencies in Requirements and Recommendations Section 10.1 (items 1 – 17) and 10.2 (items 1-3) of the PCI, including having conducted the required inspections with documentation showing the inspections have been completed. In the interim, please submit monthly progress reports to the Central Valley Water Board by the **30<sup>th</sup> of each month**, documenting the District's progress towards compliance with its Pretreatment Program - along with a description of additional efforts in-progress or planned. Specified dates herein and the District's response to this request does not limit the Central Valley Water Board's ability to pursue formal enforcement.

If you have any questions regarding this matter, please contact Jill Walsh at (559) 445-5130 or at [jwalsh@waterboards.ca.gov](mailto:jwalsh@waterboards.ca.gov).



WARREN W. GROSS  
Senior Engineering Geologist  
CEG 1528, CHG 681

Enclosures: 2010 PCI Summary Report  
2012 Facilities Inspection Form

cc via email: Anna Yen USEPA Region IX, WTR-7, San Francisco  
Russell Norman, State Water Board, Sacramento  
Chuck Durham, Tetra Tech, Inc.  
Hsin Lee, Tetra Tech, Inc.

cc: Charles E. Garabedian, Jr. President, Malaga CWD  
Michael Taylor, Provost and Pritchard, Fresno  
Neal Costanzo, Costanzo & Associates, Fresno

Malaga County Water District	Malaga Wastewater Treatment Facility
DISCHARGER NAME	FACILITY NAME
3580 South Frank Street	3749 South Maple Avenue
STREET ADDRESS	STREET ADDRESS
Fresno, CA 93725	Fresno, CA 93725
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE
Russ Holcomb, General Manager	Frank Cruz, Operator
DISCHARGER CONTACT PERSON	FACILITY CONTACT PERSON
559-485-7353	--
rholcomb@malagacwd.org	fcruz@malagacwd.org
TELEPHONE NO	E-MAIL ADDRESS

**GENERAL INSPECTION INFORMATION**

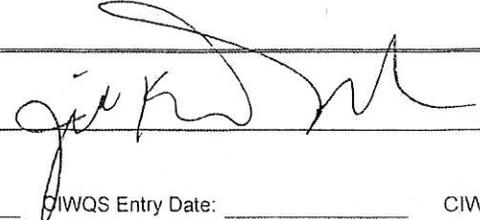
Inspection Type: <u>Pretreatment Follow-up, non-sampling</u>	Lead Inspector: <u>Melissa Hall SWRCB</u>
07/12/2012 to 07/12/2012	11:00 Sunny, no recent precipitation
INSPECTION DATE(S)	INSPECTION TIME
GENERAL WEATHER CONDITIONS	

INSPECTION ATTENDEE(S)			
NAME	COMPANY/AGENCY	TELEPHONE NO.	E-MAIL ADDRESS
Melissa Hall	SWRCB	916-341-5773--	mhall@waterboards.ca.gov
Alvina Prakash	RWQCB		
See below in summary		--	--
NAME	COMPANY/AGENCY	TELEPHONE NO.	E-MAIL ADDRESS

**INSPECTION SUMMARY**

As part of the 12 July 2012 State and Regional Water Board (Water Board) joint inspection of Malaga County Water District (District) WWTF, State Water Board staff, Melissa Hall and Regional Water Board Engineering Student Assistant, Alvina Prakash conducted a follow-up Pretreatment Inspection. This inspection report summarizes the observations for the pretreatment portion of the inspection. Water Board staff were told by Frank Cruz that pretreatment records were kept at the District office, Chris Lopes is in charge of the Pretreatment Program, and Jesse Alvarez assists Lopes – they were not available during the inspection. Water Board staff visited the following industrial users: Rocktenn, Stratus Foods, and PPG. Each industry representative stated that District staff frequently samples the wastewater for EC, but that they were not aware of the District having ever conducted a pretreatment inspection. Water Board staff requested to see each industry's industrial discharge permit and noted that each permit was signed by the District's consulting engineer, Michael Taylor, rather than by authorized District staff.

On 18 July 2012, Alvina Prakash followed-up with a phone call to Chris Lopes to inquire about the District's 2004 sewer ordinance and permitting questions. He stated that he just does sampling for the District's industrial users and was not familiar with permitting. He referred Alvina to the WWTF operators who also could not answer the questions and referred staff to the District office.

Prepared by: Jill Walsh      Signature:       Date: 8/29/13

Filename: Malaga CWD WWTF      CIWQS Entry Date: \_\_\_\_\_      CIWQS Inspection ID: 10265093

TAB 2D

2014 Annual Pretreatment Report

Table 2: SIU Inspections in 2014

- e. Rock Tenn
- f. Kinder Morgan
- g. Fresno Truck Wash
- h. Fifth Wheel Truck Wash
- i. Imperial Truck Wash
- j. Speedy (formerly Moga) Truck Wash

5. Inspection and Sampling Activities

- a. All Significant Industrial Users (SIUs) had multiple inspections and numerous site visits in 2014. Table 2 below lists the frequency of inspections and the frequency of samples taken from SIUs. With the exception of Fifth Wheel Truck Wash, all SIUs were found to be in compliance with their discharge permit.

Table 2: SIU Inspections in 2014

mit #	Account #	Permit Holder	Address	Frequency Inspected	Frequen Sample
03	024	Stratas Foods	3390 S. Chestnut Ave. Fresno, CA 93725	2	0
01	020	RockTenn CP, LLC	3366 E. Muscat Ave. Fresno, CA 93725	2	0
05	005	Rio Bravo	3350 S. Willow Ave. Fresno, CA 93725	2	0
38	008	PPG Industries	3333 S. Peach Ave. Fresno, CA 93725	2	0
40	008	Air Products & Chemical Inc.	3333 S. Peach Ave. Fresno, CA 93725	2	0
05	022-4	Imperial Truck Wash	2635 E. North Ave. Fresno, CA 93725	2	1
50	122-2	Fifth Wheel Truck Wash	3767 S. Golden State Blvd. Fresno, CA 93725	6	3
08	029-1/033	Speedy Truck Wash (formerly Moga Truck Wash)	3846 S. Front Ave. Fresno, CA 93725	2	1
05	046	Lester Lube Inc. dba Fresno Truck Wash	4170 S. Bagley Ave. Fresno, CA 93725	2	1
25	055/055-1	SFPP, L.P. (Kinder Morgan)	4149 S. Maple Ave. Fresno, CA 93725	2	0

TAB 2E

2014 PCA Final Summary Report

pp. 38-39

process was reported to be contracted out to subcontractors. The subcontracts are responsible for management of all wastes generated (wastes are not disposed of onsite). The District is required to formally evaluate the re-packing operations to ensure that waste generated from the re-packing process are properly managed and not discharged to the sewer system. (Section 9.3, Nondomestic Discharger Site Inspections Conducted during the Audit)

17. The PPG Industries facility representatives stated that self-monitoring samples were collected at the facility's effluent lift station/discharge location. Samples are collected downstream of where the facility's wastewater comeslingles with wastewater generated at the onsite Air Products and Chemicals, Inc. plant. In addition, the facility representatives stated that the facility's domestic wastewater is tied into the facility's discharge line upstream of the effluent lift station/sampling point. Therefore, samples collected by the facility and District are not representative solely of the facility's industrial wastewater discharge. Furthermore, the facility representatives stated that the facility was unable to collect a representative sample of the facility's industrial wastewater discharge because the only accessible location to the discharge is considered as a confined space, and the facility does not allow its employees to enter confined spaces. However, 40 CFR 403.12(b)(ii) states that samples should be representative of daily operations. Furthermore, the federal regulations at 40 CFR 403.12(b)(iv) state that samples should be taken immediately downstream from pretreatment facilities. The District is required to reevaluate the facility's discharge monitoring location to ensure that self-monitoring samples are representative solely of the facility's industrial wastewater discharge. (Section 9.3, Nondomestic Discharger Site Inspections Conducted during the Audit)
18. After the site inspection at the PPG Industries facility, the EPA audit team along with the District code enforcement inspector visited the District's compliance sample collection location. The District collects compliance samples of the facility's discharge at a manhole located west of the facility at the intersection of South Willow Avenue and a railroad track. The manhole was downstream (and west) of the facility's effluent lift station and discharge location. As noted above in note 5, the facility's domestic wastewater along with industrial wastewater from the Air Products and Chemicals, Inc. plant are tied into the facility's discharge line, upstream of the effluent lift station and the District's sampling manhole. However, 40 CFR 403.12(b)(ii) state that samples should be representative of daily operations. Furthermore, the federal regulations at 40 CFR 403.12(b)(iv) state that samples should be taken immediately downstream from pretreatment facilities. It is required that the District reevaluate the District's compliance sampling monitoring location to ensure samples are representative solely of the facility's industrial wastewater discharge. (Section 9.3, Nondomestic Discharger Site Inspections Conducted during the Audit)
19. The District was collecting compliance samples from the Stratas Foods facility's discharge line downstream of where the facility's domestic wastewater was

introduced. Therefore, the facility's domestic wastewater was diluting the facility's industrial wastewater flow that was being sampled by the District. Self-monitoring samples were being collected from a sample port located after the CAF unit weir, but prior to the effluent discharge pipe. However, 40 CFR 403.12(b)(ii) states that samples should be representative of daily operations. Furthermore, the federal regulations at 40 CFR 403.12(b)(iv) state that samples should be taken immediately downstream from pretreatment facilities. The District is required to ensure that compliance samples collected at the facility are representative of the facility's industrial wastewater discharge for daily operations. (Section 9.3, Nondomestic Discharger Site Inspections Conducted during the Audit)

20. According to the federal regulations at 40 CFR 403.8(f)(2)(iv), the POTW is required to receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40 CFR 403.12. From the files reviewed as a component of the 2014 audit, it was determined that 2013 self-monitoring data for the RockTenn CP, LLC facility was not included in the facility file. The District is required to adequately request, receive, and analyze reports submitted by SIUs as stated in the federal regulations at 40 CFR 403.8(f)(2)(iv). (Section 9.4, Requesting, Receiving, and Analyzing Reports)
21. The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. This plan must contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance. During initial conversations with the District, the District representative was unsure if the District had implemented an ERP. During the audit, the EPA audit team had discussions with the District's Contract Engineer who stated that the District's ERP was a component in the District's SUO. A cursory review of the District's draft SUO determined that the ERP was located in section 3.08.010. This section states that the District shall develop and implement an ERP which should include a description of how the District will investigate noncompliance, describe escalating enforcement, identify officials responsible for each response, and adequately reflect the District's primary responsibility to enforce all applicable pretreatment requirements and standards. However, section 3.08.010 of the District's SUO does not specifically identify how the District will investigate and respond to instances of industrial user noncompliance, or who is responsible for implementing the enforcement action. The District is required to develop and implement an ERP as stated at the federal regulations at 40 CFR 403.8(f)(5). (Section 10, Enforcement)
22. Documentation in the Stratas Foods file indicated the facility notified the District, via a letter, of a monthly average O&G exceedance on October 17, 2012. According to the September 2012 self-monitoring report, the facility's monthly average sampling result for O&G was 166 mg/L; the permitted limit for O&G is 100 mg/L. However, the District did not take enforcement action against the facility upon receipt of letter. Additionally, documentation was not provided in

TAB 2F

2011 Annual Pretreatment Report

(3 pages total)

monitoring and reporting programs for each of these facilities are included with this report. (Exhibit B)

Class I dischargers include:

<u>Dischargers</u>	<u>Permit No.</u>
RockTenn	1001
Air Products and Chemicals, Inc.	1140
PPG Industries	1038
Rio Bravo Fresno	1005
Stratas Foods	1008

#### Compliance with Permit Conditions

All dischargers are determined to be in compliance with the permit conditions with the exception of:

<u>Discharger</u>	<u>Permit No.</u>
Fresno Truck Wash	(1095)

Official notices to the respective dischargers regarding non-compliance and the respective requirements to return to compliance are attached.

#### §307(a) of Clean Water Act

Analytical results for pollutants identified in §307(a) of the Clean Water Act and 40 CFR 401.15 are limited. The industries served by the Malaga County Water District are generally not identified as dischargers of these pollutants.

#### Upset, Interference of Pass-Through Incidents

The District has experienced upset, interference or pass-through incidents that may be directly associated with industrial users of the treatment plant. The District continues with increased monitoring, education of industrial dischargers, surcharges, and consideration of reduced electroconductivity limits to address this issue.

Examples of interference incidents include foaming that may have been initiated from a truck wash and could have directly impacted TSS and turbidity of the WWTP effluent.

#### Baseline Monitoring Report Notification

The District contacts all Class I dischargers a minimum of once per year. The information acquired during the contact is used to update any conditions or the status of the Non-Residential Wastewater Discharge Permit.

#### Inspection and Sampling Activities

Many of the industrial and commercial dischargers have been subjects of independent sampling by the Malaga County Water District. Results of the testing are reviewed for consistency with self-monitoring reporting of the industrial dischargers. Facilities that required permit renewal were contacted and inspected prior to issuance of an updated permit. Description of facilities, contact names, and relevant monitoring and reporting requirements were updated pursuant to the inspections. A copy of the typical Inspection Form template is included in Exhibit C.

Several individual dischargers have been identified as the primary sources of electroconductivity to the collection system based on the activities at each site and monitoring information received. The District has performed specific monitoring of said dischargers and has educated the dischargers regarding the pretreatment ordinance and limitations.

### **Compliance and Enforcement Activities**

The District does have in place a schedule of surcharges that are directed to penalize non-compliance with the limits incorporated in the pretreatment ordinance. The District has not been required to issue surcharges or Notices of Violation in the past year.

#### Administrative Complaint (Exhibit D)

Fresno Truck Wash

#### Civil Actions

None

#### Criminal Actions

None

#### Assessment of Monetary Penalties

None in 2011.

Restriction of Flow to POTW

None

Disconnection from POTW

None

Public Participation Activities

None

Sludge Disposal Method Alterations

None

**Pretreatment Program Alterations**

The District will make modifications to the Program as directed by input and direction received from the audit conducted by the EPA in early 2010. The District has not yet received a formal report from the USEPA.

**Annual Pretreatment Budget**

The pretreatment program budget a part of the overall sewer budget for the Malaga County Water District.

Respectfully,



Russ Holcomb  
General Manager

MGT/LEQ

c: State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105

Provost & Pritchard Engineering Group, Michael Taylor  
286 W. Cromwell Ave.  
Fresno, CA 93711

TAB 2G

2010 PCI Summary Report

p. 6

## **6.5 Statement of Civil and/or Criminal Penalties**

The permits reviewed do not contain a statement of applicable civil and/or criminal penalties. The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(5) require that all permits include a specific statement of applicable civil and/or criminal penalties. Therefore, the District is required to review all SIU permit to ensure that each SIU permit includes a statement of applicable civil and/or criminal penalties.

## **7. Compliance Monitoring**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(v) require that a POTW develop and implement an inspection and monitoring program to determine, independent of information supplied by nondomestic dischargers, compliance or noncompliance with applicable pretreatment standards and requirements. Furthermore, 40 CFR 403.8(f)(2)(vii) requires POTWs to investigate instances of noncompliance and enforce the regulations as necessary.

### **7.1 Compliance Sampling**

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be sampled at least once a year unless the POTW has authorized a CIU to forego sampling of a pollutant regulated by federal pretreatment requirements. In such a case, the POTW must sample for the waived pollutant(s) at least once during the nondomestic discharger's permit term [40 CFR 403.8(f)(2)(v)(A)].

The Tetra Tech inspector did not find any documented sampling events conducted by the District. District personnel indicated that the District only monitors for electrical conductivity (EC) at each of the SIUs and does not sample for any of the other pollutants of concern at the SIUs. The District is required to revise its compliance monitoring procedures to ensure that it monitors each of the pollutants of concern listed in each SIU's permit at least once a year.

### **7.2 Compliance Inspections**

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be inspected at least once a year unless a discharger is subject to the reduced reporting requirements under 40 CFR 403.12(e)(3). In such a case, the POTW must inspect the discharger at least once every 2 years [40 CFR 403.8(f)(2)(v)(C)].

Even though District personnel indicated that annual compliance inspections are conducted at each of the SIUs, the Tetra Tech inspector did not find any documented inspection reports in the SIU files. Without proper documentation of the District's inspections, the Tetra Tech inspector could not affirm that the District has actually conducted the required compliance inspections. Therefore, the District is required to revise its compliance inspection procedures to ensure that all compliance inspections are properly documented. The Tetra Tech inspector recommends that the District create an inspection checklist that can be used during compliance inspections as well as to document the inspection event.

TAB 2H

2014 PCA Final Summary Report

pp. 18-19

inconsistencies were identified with the District's draft SUO during the 2014 audit. Refer to section 5, Legal Authority, for further information.

## **9. Compliance Monitoring**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(v) require a POTW to develop and implement an inspection and monitoring program to determine, independent of information supplied by nondomestic dischargers, compliance or noncompliance with applicable pretreatment standards and requirements. Furthermore, 40 CFR 403.8(f)(2)(vii) requires POTWs to investigate instances of noncompliance and to enforce the regulations as necessary.

### **9.1 Compliance Sampling**

The regulations at 40 CFR 403.8(f)(2)(v) require all SIUs to be sampled at least once each year unless the POTW has authorized a CIU to forego sampling of a pollutant regulated by federal pretreatment requirements. In that case, the POTW must sample for the waived pollutant(s) at least once during the permit term [40 CFR 403.8(f)(2)(v)(A)]. The District representative stated that monthly EC samples are collected by the District at the SIUs.

According to the 2010 inspection report, the inspector did not find any documented sampling events conducted by the District. The District was required to revise its compliance monitoring procedures to ensure that it monitors each of the pollutants of concern listed in each SIU's permit at least once each year. In response to this requirement, the District stated that there is one primary pollutant of concern to the District, EC. As such, the District regularly monitors the EC levels from the SIUs. In addition, the District stated that details of the District's sampling activities were documented in the *Annual Pretreatment Report* for 2012 which was submitted to the Central Valley Water Board on February 28, 2013.

The regulations at 40 CFR 403.8(f)(2)(v) require all SIUs to be sampled at least once each year unless the POTW has authorized a CIU to forego sampling of a pollutant regulated by federal pretreatment requirements. As a component of the 2014 audit, the Contract Engineer's files for the SIUs were reviewed for documentation of annual compliance sampling activities. The files reviewed during the audit showed that compliance sampling events for 2013 were not documented in the Rio Bravo, Stratas Foods, Air Products and Chemicals, or PPG Industries files. Therefore, it was determined that the District failed to conduct annual compliance sampling events at these facilities. The District is required to ensure that compliance sampling activities are conducted at SIUs a minimum of once each year as stated in the federal regulations at 40 CFR 403.8(f)(2)(v).

### **9.2 Compliance Inspections**

The regulations at 40 CFR 403.8(f)(2)(v) require all SIUs to be inspected at least once each year, unless a discharger is subject to the reduced reporting requirements under 40 CFR 403.12(e)(3). The POTW must inspect those dischargers at least once every two years [40 CFR 403.8(f)(2)(v)(C)].

According to the 2010 inspection report, even though District personnel indicated that annual compliance inspections were conducted at each of the SIUs, the inspector did not find any documented inspection reports in the SIU files. Therefore, the District was required to revise its compliance inspections procedures to ensure that all compliance inspections are properly documented. In response to this requirement, the District stated that it has developed a "Facility Inspection Record" for documenting the results of any inspections. The documentation should be kept in the files associated with the permittee. The District completed annual inspections of the SIUs in October and November 2013 and the documentation of inspections was included in the submittal to the Central Valley Water Board in November 2013.

As a component of the 2014 audit, annual SIU compliance inspections were discussed. During initial conversations, the District representative was unsure who was conducting the inspections, but guessed that the District's Contract Engineer was performing the inspections with occasional assistance from the Code Enforcement Inspector. In later conversations, the Contract Engineer stated that the Contract Engineer, with assistance from the Code Enforcement Inspector, conducted annual inspections at the five SIUs for 2013. Inspection reports were provided in the SIU files; however, the inspection reports were inadequate. The inspection forms were sparsely completed and lacked detail. For example, the inspection forms did not document process operations reviewed at the facilities, information about the sampling locations, or other pertinent information.

It is strongly recommended that the District include more detail about the facility inspections in the inspection reports. Details should include specific manufacturing processes, condition of the pretreatment system, discussions held, calibration details, and characteristics of facility effluent. The District's inspection reports should capture the uniqueness of what was reviewed and discussed during each facility inspection.

### **9.3 Nondomestic Discharger Site Inspections Conducted during the Audit**

Six of the permitted nondomestic discharger facilities and one unpermitted facility were inspected as part of the audit. The following was noted during the nondomestic discharger site visits:

- *Air Products and Chemicals, Inc.* The facility produces pure oxygen and pure nitrogen through cryogenic air separation. The facility is located on the property of the adjacent PPG Industries facility and is contracted by PPG Industries to produce and provide oxygen and nitrogen for PPG Industries manufacturing processes.

Due to the complexity of the air separation processes, a brief inspection of the process area and wastewater generating practices was conducted. The production processes at the facility consisted of filtering and compressing ambient air; separating oxygen, nitrogen, and particulates; and re-vaporizing the oxygen and nitrogen for delivery to the adjacent PPG Industries facility.

TAB 2I  
2015 PCI Summary Report  
pp. 20-21

## 8.1 Compliance Sampling

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be sampled at least once each year unless the POTW has authorized a CIU to forego sampling of a pollutant regulated by federal pretreatment requirements. Then the POTW must sample for the waived pollutant(s) at least once during the permit term [40 CFR 403.8(f)(2)(v)(A)].

During the 2014 audit, the Contract Engineer's files for the SIUs were reviewed for documentation of annual compliance sampling activities, since the District did not maintain its own industrial user files. It was found that compliance sampling events for 2013 were not documented in the Rio Bravo, Stratas Foods, Air Products and Chemicals, or PPG Industries SIU files. Therefore, it could not be determined if the District performed annual compliance sampling events at these facilities. The District was required to ensure that compliance sampling activities are conducted at SIUs a minimum of once each year as stated in the federal regulations at 40 CFR 403.8(f)(2)(v).

The District's General Manager stated that the District conducts compliance sampling at the SIUs at least once per year. However, according to information provided in the District's *2014 Annual Pretreatment Report*, the District did not sample Stratas Foods, RockTenn, Rio Bravo, PPG Industries, Air Products and Chemicals, or Kinder Morgan. The Inspection Team requested documentation for sampling events from the District representatives. The District representatives provided access to the electronic copies of sampling data from the SIUs collected in 2014 and the beginning of 2015. The sampling data on file included self-monitoring results from the SIUs but did not include documentation of compliance samples collected at the SIUs by the District. Therefore, the District is required to ensure that it collects and analyzes samples at each of the SIUs at least annually in accordance with the federal regulations at 40 CFR 403.8(f)(2)(v). The District should also maintain documentation of compliance sampling events it conducts.

The site inspections conducted as a component of the 2015 inspection revealed several instances in which the District and the SIUs were not collecting samples from the same location. For more information regarding these inconsistencies, refer to Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*.

## 8.2 Compliance Inspections

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be inspected at least once each year, unless a discharger is subject to the reduced reporting requirements under 40 CFR 403.12(e)(3); then the POTW must inspect these dischargers at least once every 2 years [40 CFR 403.8(f)(2)(v)(C)].

According to the information provided in the District's *2014 Annual Pretreatment Report*, each of the SIUs was inspected twice, with the exception of Fifth Wheel Truck Stop, which was reported to have been inspected six times. As a component of the 2015 inspection, the Inspection Team reviewed a number of the District's inspection reports for Kinder Morgan and Speedy Truck Wash.

The Kinder Morgan inspection report was detailed and the District representative conducting the inspection recorded information for most of the sections of the District's

inspection checklist. However, the inspection report was not dated or signed, therefore it was unclear to the Inspection Team who conducted the facility inspection and when it was conducted. An undated and unsigned inspection report for the Speedy Truck Wash facility was also reviewed. The information recorded on the facility inspection checklist was incomplete and lacked detail regarding wastewater generating processes, facility operations, discharge practices, sampling locations, chemical storage, and overall treatment of wastewater. Since the inspection reports were not dated, the Inspection Team could not confirm that all SIUs had been inspected at least once in 2014. Therefore, the District is required to inspect each SIU at least once a year as stated at 40 CFR 403.8(f)(2)(v).

It is also strongly recommended that the District thoroughly document the SIU inspections. Specifically, the inspection reports should capture the uniqueness of each inspection and include information related to the processes reviewed, discussions held, change in process, and other information pertaining to wastewater generation, treatment, and discharge.

### **8.3 Nondomestic Discharger Site Inspections Conducted during the Inspection**

Five of the permitted nondomestic dischargers were inspected as part of the 2015 inspection. The dischargers were selected to represent facilities of varying size and classification. The full site visit data sheets completed as a result of these site visits are included in Attachment A of the report. The following was observed during the nondomestic discharger site visits:

- *Fifth Wheel Truck Stop.* The facility is a truck wash for large semi-trailer vehicles. Tanker trucks were not observed at the facility at the time of the inspection. The District has taken various enforcement actions against the facility for discharging high concentrations of detergents, which caused foaming at the WWTF, ultimately resulting in an upset of the operations at the WWTF. The District classified the facility as an SIU because of its reasonable potential for adversely affecting the POTW's operations.

The facility discharged wastewater, which was pretreated by an oil/water separator, from its truck washing operations to the District's POTW. A storm water issue was observed during the facility site inspection (described below).

The facility consisted of a building with three wash bays. One of the wash bays was used for maintenance operations. Two of the wash bays were used for truck washing and were in use at the time of the inspection. The facility also had an office space in a small shed.

The facility has two in-ground oil/water separators that treat the truck wash waters before they are discharged to the District's POTW.

The Inspection Team arrived at the facility and attempted to find and inform a facility representative of the purpose of the site inspection. The Inspection Team

TAB 2J  
2014 2<sup>nd</sup> Quarterly  
Pretreatment Report  
(2 pages total)



## MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET FRESNO, CALIFORNIA 93725  
PHONE: 559-485-7353 FAX: 559-485-7319

### BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR. PRESIDENT    SALVADOR CERRILLO VICE-PRESIDENT    IRMA CASTANEDA DIRECTOR    FRANK CERRILLO JR. DIRECTOR    CARLOS TOVAR JR. DIRECTOR

James D. Anderson, General Manager

7 August 2014

State Water Resources Control Board  
Central Valley Region  
1685 E Street  
Fresno, Ca 93706

Subject: e-SMR Pretreatment Report for Q2 2014  
Order No. R5-2008-0033  
NPDES No. CA0084239

Dear Ladies and Gentlemen,

MCWD began its present effort to develop a pretreatment program in accordance with the NPDES permit and EPA 403 requirements in the second quarter of this year. Our pretreatment program is the MCWD Pretreatment Management Program (PMP). We submitted portions of the PMP to you in April and for the remainder of this quarter researched the requirements for a thorough and complete PMP.

In late April, I terminated the position of Code Inspector and employment of the person who held that position. There was a complete lack of knowledge as to what the position required and the employee was unwilling to accept the duties that were required of the position. During May a hiring announcement was published for an Environmental Compliance Inspector and a selection was made in June.

Also in April, we contacted the Rural Community Assistance Corporation (RCAC) to request expert assistance to develop a PMP. An engineer was appointed and visited with us in July, but it was determined that he could not assist us with developing local limits which was what we requested. We asked RCAC to cancel his contract and consider hiring someone who could help us with developing local limits. In the meantime, we hired an independent contractor to help train our new ECI and assist with developing our PMP.

Q2 2014 was a period of learning and research as to what the PMP must contain. MCWD understands the basics of what a PMP must include to have an operational pretreatment program in effect. For the purposes of this report, it can only be said that as industrial user discharge permits are presently worded, there were no permit violations for Q2 2014. That is not to say, however, that adequate monitoring of industrial wastewater was accomplished because the pretreatment plan as it has existed requires revision to include all the requirements of a PMP.

All significant industrial user (SIU) facilities were visited monthly in Q2 2014 to evaluate compliance and discuss with the SIU's permit requirements not presently included in their permits. All SIU's were very helpful and understanding of the need for MCWD to re-evaluate the pretreatment program and submitted the attached discharge reports.

MCWD continues to develop the PMP to address all necessary requirements. A draft copy of the MCWD PMP will be submitted to you later this month for review and comment. We are presently conducting initial site reviews of all industrial users to identify dischargers by category and class according to our PMP. We are making permit changes as necessary when we identify dischargers whose permits are inadequate.

We have determined that we need more data to identify the needs of a local limits plan. We are revising sampling and monitoring requirements in permits to give us the data base we will need to readdress local limits.

I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and validate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Respectfully,

J. D. Anderson  
General Manager

**TAB 3**  
**(Violation 1.C)**

TAB 3A

RockTenn Compliance Log

(included in 2011 Annual

Pretreatment Report)



TAB 3B

Stratas Foods Compliance Log  
(included in 2012 Annual  
Pretreatment Report)

Report	Monthly Reports					Oils and Greases			Log of Solids Removed	Proof of Flowmeter Calibration
	Flow	Ec	pH	BOD	TSS	Max 100 mg/l	Max 1,000 mg/l	Max 1,000 mg/l		
January - Stratras results	10157	1607	6.0-8.3	238	27	93	70960			
January - MCWD results	8984	3741	6.5-8.9	838	39	77	36940			
February - Stratras results	10157	1183	6.3-9.6	160	15	124	32460			
March - Stratras results	10157	1183	6.3-9.6	160	15	124	32460			
April - Stratras results	10157	1183	6.3-9.6	160	15	124	32460			
April - MCWD results	9545	309	6.5-8.7	108	12	73	35060			
May - Stratras results	9683	386	6.5-9.3	130	12	68	387240			
May - MCWD results	10823	566	6.6-9.2	300	67	106	36660			
June - Stratras results	10823	566	6.6-9.2	300	67	106	36660			
July - Stratras results	10823	566	6.6-9.2	300	67	106	36660			
July - MCWD results	13214	764	6.2-8.5	125	81	92	37730			
August - Stratras results	8936	566	6.2-8.8	318	92	166	37730			
August - MCWD results	8936	566	6.2-8.8	318	92	166	37730			
September - Stratras results	6705	313	6.7-8.8	526	67	17	32460			
September - MCWD results	6705	313	6.7-8.8	526	67	17	32460			
October - Stratras results	5451	1540	6.9-8.7	136	77	32	39820			
October - MCWD results	5451	1540	6.9-8.7	136	77	32	39820			
November - Stratras results	19922	1000	6.1-8.6	161	77	157	42760			
November - MCWD results	19922	1000	6.1-8.6	161	77	157	42760			
December - Stratras results	19922	1000	6.1-8.6	161	77	157	42760			
December - MCWD results	19922	1000	6.1-8.6	161	77	157	42760			
Annual										

TAB 3C

Laboratory Report Excerpts for

PPG Samples

(included in 2012 Annual

Pretreatment Report)

(7 pages total)



2527 Fresno Street  
 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 08/07/2012

**Analytical Report for Work Order 2G31002**

Analyte	Qual.	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method
P.P.G. 3333 S. Peach Ave. Fresno, Ca 93725						Sampled: 07/31/12 10:15 2G31002-01 (Waste Water)				
Turbidity		6.2	0.10	0.020	NTU	1	T2H0111	08/01/12	08/01/12	EPA 180.1
Specific Conductance (EC)		14000	1.0	1.0	µS/cm	1	T2H0112	08/01/12	08/01/12	SM2510B

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.

**Inorganics - Quality Control**

Analyte	Notes	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
---------	-------	--------	-----------------	-------	-------------	---------------	------	-------------	-----	-----------

**Batch T2H0111 - EPA 180.1**

Blank (T2H0111-BLK1)		Prepared & Analyzed: 08/01/12								
Turbidity	J	0.0600	0.10	NTU						
LCS (T2H0111-BS1)		Prepared & Analyzed: 08/01/12								
Turbidity		9.79	0.10	NTU	10.0		97.9	80-120		20
LCS Dup (T2H0111-BSD1)		Prepared & Analyzed: 08/01/12								
Turbidity		9.77	0.10	NTU	10.0		97.7	80-120	0.204	20
Duplicate (T2H0111-DUP1)		Source: 2G31002-01 Prepared & Analyzed: 08/01/12								
Turbidity		6.28	0.10	NTU		6.20			1.28	20

**Batch T2H0112 - SM2510B**

LCS (T2H0112-BS1)		Prepared & Analyzed: 08/01/12								
Specific Conductance (EC)		511	1.0	µS/cm	500		102	80-120		20
LCS Dup (T2H0112-BSD1)		Prepared & Analyzed: 08/01/12								
Specific Conductance (EC)		513	1.0	µS/cm	500		103	80-120	0.391	20
Duplicate (T2H0112-DUP1)		Source: 2G31002-01 Prepared & Analyzed: 08/01/12								
Specific Conductance (EC)		13500	1.0	µS/cm		13500			0.0739	20
Duplicate (T2H0112-DUP2)		Source: 2G31040-02 Prepared & Analyzed: 08/01/12								
Specific Conductance (EC)		1250	1.0	µS/cm		1250			0.0800	20

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 Juliane Adams, Director of Analytical Chemistry

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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 09/10/2012

**Analytical Report for Work Order 2H31006**

Analyte	Qual	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method
P.P.G. 3333 S. Peach Ave. Fresno, CA 93725										
Sampled: 08/30/12 10:15 2H31006-01 (Waste Water)										
Turbidity		16	0.10	0.020	NTU	1	T2H3117	08/31/12	08/31/12	EPA 180.1
Specific Conductance (EC)		750	1.0	1.0	µS/cm	1	T2I0404	09/04/12	09/04/12	SM2510B

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - µg/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field. If the test was performed in the laboratory, the hold time was exceeded.

**Inorganics - Quality Control**

Analyte	Notes	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
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**Batch T2H3117 - EPA 180.1**

Blank (T2H3117-BLK1) Prepared & Analyzed: 08/31/12										
Turbidity	J	0.0400	0.10	NTU						
LCS (T2H3117-BS1) Prepared & Analyzed: 08/31/12										
Turbidity		9.42	0.10	NTU	10.0		94.2	80-120		20
LCS Dup (T2H3117-BSD1) Prepared & Analyzed: 08/31/12										
Turbidity		9.41	0.10	NTU	10.0		94.1	80-120	0.106	20
Duplicate (T2H3117-DUP1) Source: 2H31005-01 Prepared & Analyzed: 08/31/12										
Turbidity		0.130	0.10	NTU		0.140			7.41	20

**Batch T2I0404 - SM2510B**

LCS (T2I0404-BS1) Prepared & Analyzed: 09/04/12										
Specific Conductance (EC)		505	1.0	µS/cm	500		101	80-120		20
LCS Dup (T2I0404-BSD1) Prepared & Analyzed: 09/04/12										
Specific Conductance (EC)		503	1.0	µS/cm	500		101	80-120	0.397	20
Duplicate (T2I0404-DUP1) Source: 2H31005-01 Prepared & Analyzed: 09/04/12										
Specific Conductance (EC)		540	1.0	µS/cm		539			0.185	20
Duplicate (T2I0404-DUP2) Source: 2I04010-01 Prepared & Analyzed: 09/04/12										
Specific Conductance (EC)		534	1.0	µS/cm		533			0.187	20



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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 10/11/2012

**Analytical Report for Work Order 2J09020**

Analyte	Qual	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	
<b>PPG 3333 S. Peach Ave Fresno CA 93725</b>							<b>Sampled: 10/09/12 11:00 2J09020-01 (Water)</b>				
Turbidity		16	0.10	0.020	NTU	1	T2J0907	10/09/12	10/09/12	EPA 180.1	
Specific Conductance (EC)		1000	1.0	1.0	µS/cm	1	T2J0912	10/09/12	10/10/12	SM2510B	

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - µg/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.

**Inorganics - Quality Control**

Analyte	Notes	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	RPD	RPD Limit
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**Batch T2J0907 - EPA 180.1**

<b>Blank (T2J0907-BLK1)</b>		Prepared & Analyzed: 10/09/12								
Turbidity	J	0.0200	0.10	NTU						
<b>LCS (T2J0907-BS1)</b>		Prepared & Analyzed: 10/09/12								
Turbidity		9.23	0.10	NTU	10.0		92.3	80-120	20	
<b>LCS Dup (T2J0907-BSD1)</b>		Prepared & Analyzed: 10/09/12								
Turbidity		9.22	0.10	NTU	10.0		92.2	80-120	0.108	
<b>Duplicate (T2J0907-DUP1)</b>		Source: 2J09008-01		Prepared & Analyzed: 10/09/12						
Turbidity		6.34	0.10	NTU		6.32			0.316	

**Batch T2J0912 - SM2510B**

<b>LCS (T2J0912-BS1)</b>		Prepared: 10/09/12 Analyzed: 10/10/12								
Specific Conductance (EC)		519	1.0	µS/cm	500		104	80-120		20
<b>LCS Dup (T2J0912-BSD1)</b>		Prepared: 10/09/12 Analyzed: 10/10/12								
Specific Conductance (EC)		522	1.0	µS/cm	500		104	80-120	0.576	20
<b>Duplicate (T2J0912-DUP1)</b>		Source: 2J08029-06		Prepared: 10/09/12 Analyzed: 10/10/12						
Specific Conductance (EC)		433	1.0	µS/cm		435			0.461	20
<b>Duplicate (T2J0912-DUP2)</b>		Source: 2J09021-01		Prepared: 10/09/12 Analyzed: 10/10/12						
Specific Conductance (EC)		1540	1.0	µS/cm		1540			0.00	20



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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 10/17/2012

**Analytical Report for Work Order 2J11042**

Analyte	Qual	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	
<b>PPG 333 S. Peach Ave Fresno CA 93725</b>							<b>Sampled: 10/11/12 14:30 2J11042-01 (Water)</b>				
Turbidity		11	0.10	0.020	NTU	1	T2J1113	10/11/12	10/11/12	EPA 180.1	
Specific Conductance (EC)		7900	1.0	1.0	µS/cm	1	T2J1605	10/16/12	10/16/12	SM2510B	

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field. If the test was performed in the laboratory, the hold time was exceeded.

**Inorganics - Quality Control**

Analyte	Notes	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
---------	-------	--------	-----------------	-------	-------------	---------------	------	-------------	-----	-----------

**Batch T2J1113 - EPA 180.1**

<b>Blank (T2J1113-BLK1)</b>		Prepared & Analyzed: 10/11/12								
Turbidity	J	0.0200	0.10	NTU						
<b>LCS (T2J1113-BS1)</b>		Prepared & Analyzed: 10/11/12								
Turbidity		9.91	0.10	NTU	10.0		99.1	80-120		20
<b>LCS Dup (T2J1113-BSD1)</b>		Prepared & Analyzed: 10/11/12								
Turbidity		9.90	0.10	NTU	10.0		99.0	80-120	0.101	20
<b>Duplicate (T2J1113-DUP1)</b>		Source: 2J11024-01		Prepared & Analyzed: 10/11/12						
Turbidity		0.150	0.10	NTU		0.160			6.45	20

**Batch T2J1605 - SM2510B**

<b>LCS (T2J1605-BS1)</b>		Prepared & Analyzed: 10/16/12								
Specific Conductance (EC)		513	1.0	µS/cm	500		103	80-120		20
<b>LCS Dup (T2J1605-BSD1)</b>		Prepared & Analyzed: 10/16/12								
Specific Conductance (EC)		514	1.0	µS/cm	500		103	80-120	0.195	20
<b>Duplicate (T2J1605-DUP1)</b>		Source: 2J11005-01		Prepared & Analyzed: 10/16/12						
Specific Conductance (EC)		107000	1.0	µS/cm		107000			0.00	20
<b>Duplicate (T2J1605-DUP2)</b>		Source: 2J11005-11		Prepared & Analyzed: 10/16/12						
Specific Conductance (EC)		115000	1.0	µS/cm		115000			0.00	20



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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: PPG  
 Project Manager: Chris Lopes

Reported:  
 10/24/2012

Analytical Report for Work Order 2J19004

Analyte	Qual	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method
PPG 3333 S. Peach Ave Fresno CA 93725							Sampled: 10/18/12 16:00 2J19004-01 (Water)			
Turbidity		39	0.20	0.040	NTU	2	T2J1909	10/19/12	10/19/12	EPA 180.1
Specific Conductance (EC)		15000	1.0	1.0	µS/cm	1	T2J1907	10/19/12	10/19/12	SM2510B

Notes and Definitions

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - µg/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field. If the test was performed in the laboratory, the hold time was exceeded.

Inorganics - Quality Control

Analyte	Notes	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
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Batch T2J1907 - SM2510B

LCS (T2J1907-BS1)		Prepared & Analyzed: 10/19/12								
Specific Conductance (EC)		518	1.0	µS/cm	500		104	80-120		20
LCS Dup (T2J1907-BSD1)		Prepared & Analyzed: 10/19/12								
Specific Conductance (EC)		519	1.0	µS/cm	500		104	80-120	0.193	20
Duplicate (T2J1907-DUP1)		Source: 2J18002-01 Prepared & Analyzed: 10/19/12								
Specific Conductance (EC)		2780	1.0	µS/cm		2780			0.108	20
Duplicate (T2J1907-DUP2)		Source: 2J18003-09 Prepared & Analyzed: 10/19/12								
Specific Conductance (EC)		116000	1.0	µS/cm		116000			0.0864	20

Batch T2J1909 - EPA 180.1

Blank (T2J1909-BLK1)		Prepared & Analyzed: 10/19/12								
Turbidity	J	0.0300	0.10	NTU						
LCS (T2J1909-BS1)		Prepared & Analyzed: 10/19/12								
Turbidity		9.63	0.10	NTU	10.0		96.3	80-120		20
LCS Dup (T2J1909-BSD1)		Prepared & Analyzed: 10/19/12								
Turbidity		9.62	0.10	NTU	10.0		96.2	80-120	0.104	20
Duplicate (T2J1909-DUP1)		Source: 2J18037-01 Prepared & Analyzed: 10/19/12								
Turbidity		2.62	0.10	NTU		2.61			0.382	20

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Juliane Adams, Director of Analytical Chemistry

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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 11/15/2012

Analytical Report for Work Order 2K06031

Analyte	Flag	Result	Reporting Limit	MDL	Units	Dilution	Batch	Analyst	Prepared	Analyzed	Method
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PPG 3333 S. Peach Ave Fresno CA 93725

Sampled: 11/06/12 10:00 2K06031-01 (Water)

Turbidity		12	0.10	0.020	NTU	1	T2K0711	FSz	11/7/12 10:37	11/7/12 12:26	EPA 180.1
Specific Conductance (EC)		760	1.0	1.0	µS/cm	1	T2K0626	DAR	11/6/12 19:56	11/7/12 2:31	SM2510B

Notes and Definitions

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field. If the test was performed in the laboratory, the hold time was exceeded.



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Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 12/05/2012

**Analytical Report for Work Order 2L03056**

Analyte	Flag	Result	Reporting Limit	MDL	Units	Dilution	Batch	Analyst	Prepared	Analyzed	Method
<b>PPG 3333 S. Peach Ave Fresno CA 93725</b>											
						<b>Sampled: 12/03/12 09:30 2L03056-01 (Waste Water)</b>					
Turbidity		12	0.10	0.020	NTU	1	T2L0404	FSz	12/4/12 9:35	12/4/12 9:35	EPA 180.1
Specific Conductance (EC)		760	1.0	0.26	µS/cm	1	T2L0405	DAR	12/4/12 18:41	12/4/12 18:41	SM2510B

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.

TAB 3D

PPG 2010 Compliance Log

(included in 2010 Annual

Pretreatment Report)

MALAGA COUNTY WATER DISTRICT  
 WASTEWATER TREATMENT PLANT  
 MONITORING AND REPORTING PROGRAM NO. R5-2008-0033  
 PPG Permit No. 1038  
 2010

Report	Monthly Reports	Semi Annual Reports							Log of Solids Removed				Proof of Flowmeter Calibration
		Flow	Ec	pH	BOD	TSS	Iron	Lead	Copper				
		Ave 950 umhos/cm	Max 9.0 Min 6.0	Max 1,000 mg/l	Max 1,000 mg/l	Max 1 mg/l	Max 5 mg/l	Max 5 mg/l					
January - PPG results	15086												
January - MCWD results		540											
February - PPG results	15657												
February - MCWD results													
March - PPG results	23544												
March - MCWD results													
April - PPG results	24639												
April - MCWD results													
May - PPG results	19325												
May - MCWD results													
June - PPG results	24846												
June - MCWD results													
Semi Annual 1 - PPG results		850.0	8.1	4.1	27.0	0.460	ND	0.025					
Semi Annual 1 - MCWD results													
July - PPG results	37225												
July - MCWD results													
August - PPG results	29691												
August - MCWD results													
September - PPG results	15318												
September - MCWD results													
October - PPG results	74549												
October - MCWD results													
November - PPG results	56827												
November - MCWD results													
December - PPG results	60430												
December - MCWD results													
Semi Annual 2 - PPG results		630.0	8.3	15.0	13.0	210.0	ND	21					
Semi Annual 2 - MCWD results													
Annual													

TAB 3E  
2010 PCI Checklist  
Section III, p. 23

**SECTION III: EVALUATION AND SUMMARY (Continued)**

Description	Regulatory Citation	Checklist Question(s)	Action	
			Rec.	Req.
<b>E. COMPLIANCE MONITORING (Continued)</b>				
7. Ensure noncategorical SIUs self-monitor and report all regulated pollutants at least once every 6 months	403.12(h)	I.F.2 & 5		
8. Require self-monitoring reports from CIUs to be signed and certified and reports from SIUs to be signed	403.12(l); 403.6(a)(2)(ii)	I.F.6		
9. Receive notification of hazardous waste discharges	403.12(j)&(p)	I.F.10; II.D.3		
<i>NA</i>				
<b>F. ENFORCEMENT</b>				
1. Implement approved ERP	403.8(f)(5)	I.E.3; II.F.2		
<i>See previous.</i>				
2. Annually publish a list of IUs in SNC	403.8(f)(2)(viii)	I.E.5; II.F.4		
<i>No publication of CalPine or FE or PPG for FE violations</i>				

TAB 3F

2015 PCI Summary Report

p. 5 and pp. 36-37

Valley 1 Water Board prior to implementing significant changes to the SUO. Due to the District not receiving approval from the Central Valley Water Board, the District repealed some of the significant changes.

The Central Valley Water Board considered the sections concerning the pretreatment program, WWTF, and collection system of the District's 2004 SUO (the last one the Central Valley Water Board had approved) to be in effect for the pretreatment program at the time of the inspection. At the time of the inspection, the SUO on the District's Web site contained updates that were not in the 2004 version of the SUO. According to information provided on the District's Web site, the ordinance had been passed on December 9, 2014. Therefore, the SUO being implemented by the District differs from what the Central Valley Water Board has approved. Substantial modifications to the pretreatment program must meet the federal requirements at 40 CFR 403.18(c), which require the District to submit to the Central Valley Regional Water Board a statement of the basis for the desired program modification, a modified program description, or other documents the Central Valley Water Board determines necessary under the circumstances. The Central Valley Water Board approves or rejects the modifications. The District is required to have Central Valley Water Board's approval of its SUO prior to implementing the SUO.

## **2.3 Focus Topics**

The following topics were discussed with the District representatives regarding other industrial pretreatment program activities.

### **2.3.1 Significant Non-Compliance**

According to 40 CFR 403.8(f)(2)(viii), the District is required to provide annual public notification in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which, at any time during the previous 12 months, were in significant noncompliance (SNC) with applicable pretreatment requirements. The District's General Manager stated that calculations regarding SNC were not performed for the SIUs during 2014. The District's General Manager added that he was unaware of the federal definition of SNC and that calculations were required to determine SNC. He further added that these calculations would "probably" be performed by the District engineer. The District is required to perform calculations to determine if any of its industrial users are in SNC, upon receipt of its IU's self-monitoring reports (SMRs), using the criteria provided at 40CFR 403.8(f)(2)(viii)(A)–(H) for SIUs and 40 CFR 403.8(f)(2)(viii)(C), (D), and (H) for all industrial users. In the event that an SIU meets the criteria for SNC, the District is reminded that it must publish this industrial user(s) in a newspaper(s) of general circulation to provide meaningful public notice to the jurisdiction(s) served by the POTW in accordance with 40 CFR 403.8(f)(2)(viii). More information regarding SNC calculations can be found at this Web site:

<http://www2.epa.gov/sites/production/files/documents/SNCGuidance.pdf>.

The definition of SNC provided in the District's 2004 SUO was not the updated definition of SNC as promulgated by the streamlining regulations. However, the codified version of the District's SUO available on its Web site included the updated definition of

- Isolated Noncompliance—Generally, an isolated incident of non-compliance that does not threaten public health or the environment, damage public or private property, or threaten the integrity of the District’s Wastewater Control Program, can be met with an informal enforcement procedure response.
  - Examples of enforcement response for instances of isolated noncompliance: Inspection/observation notice, notice of violation, conference with IU, and compliance schedule.
- Significant Noncompliance—Any violation, even an isolated violation, should be met with formal enforcement procedures which include an order that requires a return to compliance by a specified deadline.
  - Examples of enforcement response for instances of significant noncompliance: administrative citation, compliance order, administrative complaint, show-cause hearing, cease and desist order, permit revocation or suspension, water supply severance, injunctive relief, and civil penalties.

The enforcement actions taken by the District in regard to the violations from the Fifth Wheel facility indicate the District considered these discharge exceedances to be “significant noncompliance.” Since the District’s General Manager did not officially issue an administrative citation, compliance order, or order-to-show-cause hearing to the facility for its permit violations, the District is not properly implementing its ERP. The Inspection Team noted that the District’s General Manager had specific reasons for deviating from the instructions of the ERP and used discretion in determining which enforcement actions should be taken in response to the instance of noncompliance. However, the District did not follow the ERP. Therefore, the District is required to develop and implement its response plan in accordance with the federal regulations at 40 CFR 403.8(f)(5).

The District is reminded that the federal regulations have a federal definition for the term “significant noncompliance” stated at 40 CFR 403.8(f)(2)(viii)(A–H). The District’s December 2014 SUO includes the federal definition for the term. It is strongly recommended that the District change its “significant noncompliance” violations terminology in its 2014 ERP in order not to confuse the meaning of the federal definition of “significant noncompliance” with a different meaning for the same term in the 2014 ERP.

Also according to the 2014 audit report, “As stated at 40 CFR 403.8(f)(2)(viii), the District is required to annually publish all facilities in SNC in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW. The District representative stated during the 2014 audit that the District does not publish notices regarding facilities in SNC in a newspaper of general circulation. The District was required to ensure that the names of SIUs in SNC are published in a newspaper of general circulation as stated in the federal regulations at 40 CFR 403.8(f)(2)(viii).”

During discussions with the District representatives as a component of the 2015 inspection, the District representatives stated that they had not performed calculations to determine if any of the District's SIUs were in SNC for the 2014/2015 year. Therefore, the District is required to evaluate if SIUs are in SNC and ensure that the names of SIUs in SNC are published in a newspaper of general circulation as stated in the federal regulations at 40 CFR 403.8(f)(2)(viii).

## 10. Summary of Requirements and Recommendations

Listed below are the primary requirements and recommendations resulting from the inspection of the District's pretreatment program. For more specific information pertaining to each comment, please refer to the cited sections of the report.

### 10.1 Requirements

1. The Central Valley Regional Water Board considered the District's 2004 SUO (the last version the board had approved) to be in effect for the pretreatment program at the time of the inspection. At the time of the inspection, the SUO on the District's Web site contained updates that were not in the 2004 version of the SUO. According to information provided on the District's Web site, the ordinance had been adopted on December 9, 2014. Therefore, the SUO being implemented by the District differs from what the Central Valley Regional Water Board has approved. Substantial modifications to the pretreatment program must meet the federal requirements at 40 CFR 403.18(c), which require the District to submit to the Central Valley Regional Water Board a statement of the basis for the desired program modification, a modified program description, or other documents the Central Valley Regional Water Board determines necessary under the circumstances. The District is required to have approval from the Central Valley Regional Water Board for substantial SUO modification prior to implementing the SUO. (Section 2.2, *Results and Status of the 2014 Pretreatment Compliance Audit*, Section 3.1, *Legal Authority*, and Section 4, *Local Limits*)
2. District representatives appeared unaware of how and when to perform SNC calculations. The District is required to perform calculations to determine if any of its SIUs are in SNC with the criteria provided at 40 CFR 403.8(f)(2)(viii)(A)–(H). In the event that an SIU meets the criteria for SNC, the District is reminded that it must publish this industrial user(s) in a newspaper(s) of general circulation to provide meaningful public notice to the jurisdiction(s) served by the POTW in accordance with 40 CFR 403.8(f)(2)(viii). (Section 2.3.1, *Significant Non-Compliance* and Section 9, *Enforcement*)
3. At the time of the 2015 inspection, the District was in the process of developing technically-based local limits, but had not completed the sampling phase for developing the local limits. The District's General Manager stated that the planned completion date for the local limits study was June 2015. However, the District has since extended that completion date, as CDO R5-2014-0146 allows the District until August 1, 2016 to complete its local limits study. Due to the lack of technically based local limits at the time of the inspection, the District is required to continue the process of developing technically based local limits and

TAB 3G

2010 PCI Summary Report

pp. 8-11

No deficiencies were noted during the site visit.

#### **7.4 Requesting, Receiving, and Analyzing Reports**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(iv) require the District to request, receive, and analyze all reports submitted by SIUs. The inspector reminded the District during the course of the inspection that EPA has finalized the pretreatment streamlining provisions to include sampling requirements for all periodic reports as required at 40 CFR 403.12(e) and (h). The District is required to ensure that all reports submitted by SIUs comply with the provisions of 40 CFR 403.12.

The District has failed to identify all violations. The District did not notice that all of Calpine's self-monitoring reports failed to include the required certification and signature. In addition, the District did not notice PPG's iron violation (sample date on June 2, 2009) and Calpine's numerous EC and iron violations. Furthermore, there was no resampling event after PPG's June 2009 iron violation. The District is required to review its procedures for reviewing and analyzing reports submitted by SIUs. The District is required to ensure that all violations are identified and enforcement actions are taken as specified by the District's ERP.

#### **7.5 Slug Discharge Control Plans**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(vi) require the District to evaluate each SIU, by October 14, 2006, or within 1 year of its becoming an SIU, to determine whether the SIU needs to develop and implement a slug discharge control plan. A slug discharge is any discharge of a nonroutine, episodic nature, including an accidental spill or noncustomary batch discharge [40 CFR 403.8(f)(2)(vi)]. The regulations also require an SIU to notify the POTW immediately of any changes at the SIU's facility that affect the potential for a slug discharge.

The District has not performed slug discharge evaluations at any of its SIUs. Therefore, the District is required to evaluate each of its SIUs to determine whether any of the dischargers are required to develop and implement a slug discharge control plan. In addition, the District is required to document each of these evaluations.

### **8. Enforcement**

The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. The plan must contain detailed procedures indicating how the District will investigate and respond to instances of IU noncompliance.

The District has failed to identify all instances of noncompliance (Calpine's EC and iron violations and PPG's iron violation) and therefore has not taken appropriate enforcement action against SIUs in violation. The District is required to implement the enforcement actions outlined in its ERP for all instances of noncompliance.

The District failed to recognize that Calpine's and PPG's iron violations in 2009 caused the facilities to be in significant noncompliance. The District failed to publish these

dischargers in a newspaper of general circulation. The District is required to review all the SIU files to determine whether other SIUs are in SNC for 2009. In addition, the District is required to publish all SIUs in SNC for 2009 in a newspaper of general circulation.

## 9. Record-keeping

The Tetra Tech inspector found the District's record and files disorganized and incomplete. Because the District has a contractor assisting with the implementation of its pretreatment program, there were two sets of files—District files and contractor files. The contractor's files are kept off-site and were brought to the District for the purpose of this inspection. Some of the information needed for the inspection could be found in only the contractor files, while some of the information could not be found in either set of files. Furthermore, each SIU had one large file with all of the reports and information in it without any delineation, and the information in the files was not in chronological order.

The Tetra Tech inspector strongly recommends that the District revise its record-keeping procedures. Because the District is ultimately responsible for its pretreatment program, the District should have a complete set of all files on-site. In addition, the District's filing system should be clearly delineated so that files are separated into different folders for permits, correspondence, enforcement actions, discharger sampling reports, District compliance sampling events, and District inspection reports. Finally, all the information and documents should be filed chronologically.

## 10. Summary of Requirements and Recommendations

Listed below are the primary requirements and recommendations resulting from the inspection of the District's pretreatment programs. For more specific information pertaining to each comment, see the cited sections of the report.

### 10.1 Requirements

1. District personnel indicated that the District has not revised its SUO to incorporate the required streamlining provisions. Therefore, the District is required to review its SUO and incorporate the required streamlining provisions into its legal authority as soon as possible. (Section 4, Legal Authority)
2. The Tetra Tech inspector noted an inconsistency in how the District is applying the Class I SIU classification. Therefore, the District is required to review its legal authority and either revise its SUO to include the additional delineation of a Class IB user or reclassify all Class IB users as Class I users (SIUs). (Section 4, Legal Authority)
3. The Tetra Tech inspector conducted a cursory review of the District's SUO (Ordinance No. 01-13-2004) and noticed that its definition of *slug discharge* is inconsistent with the federal definition at 40 CFR 403.8(f)(2)(vi). Therefore, the District is required to review its SUO to ensure that all of its definitions are consistent with the respective federal definitions. (Section 4, Legal Authority)

4. The Tetra Tech inspector could not find the 2009 Calpine permit. Therefore, the District is required to ensure that all SIUs are issued signed and final permits prior to the expiration of the previous permits. (Section 6.1, Reissuance of SIU permits)
5. The iron limit in Calpine's permit is inconsistent with the limit established in the District's SUO. The iron limit in the permit is listed as 10 mg/L, but the SUO specifies that the local limit for iron is 1 mg/L. Therefore, the District is required to revise Calpine's permit to include the iron limit established in its SUO. (Section 6.2, Effluent Limits)
6. The permits reviewed contain inconsistent self-monitoring requirements. Therefore, the District is required to review all monitoring requirements to ensure that they are consistent throughout the permit. (Section 6.3, Self-Monitoring Requirements)
7. The permits do not clearly specify what types of samples must be collected for each pollutant. Therefore, the District is required to review all SIU permits to ensure that the appropriate sampling technique is clearly identified for each pollutant that the discharger is required to self-monitor. (Section 6.3, Self-Monitoring Requirements)
8. The permits reviewed do not specify the appropriate sampling point. Therefore, the District is required to revise all SIU permit to include a specific description of where the sampling point is located. (Section 6.3, Self-Monitoring Requirements)
9. The permits reviewed do not clearly specify all reporting requirements (i.e., signature requirements, certification requirements). Therefore, the District is required to review all SIU permits to ensure that all federal reporting requirements are clearly outlined in each SIU permit. (Section 6.4, Reporting and Notification Requirements)
10. The permits reviewed do not include the requirement to notify the District within 24 hours or the requirement to resample and submit the results of the resampling event within 30 days of becoming aware of a violation. Furthermore, the permits do not include the requirements to report slug loadings, spills, or bypasses. Therefore, the District is required to review all SIU permit to ensure that each permit specifically outlines the notification and resampling requirements after becoming aware of a violation. (Section 6.4, Reporting and Notification Requirements)
11. The permits reviewed do not contain a statement of applicable civil and/or criminal penalties. Therefore, the District is required to review all SIU permits to ensure that each SIU permit includes a statement of applicable civil and/or criminal penalties. (Section 6.5, Statement of Civil and/or Criminal Penalties)

12. The Tetra Tech inspector did not find any documented sampling events conducted by the District. The District is required to revise its compliance monitoring procedures to ensure that it monitors each of the pollutants of concern listed in each SIU's permit at least once of year. (Section 7.1, Compliance Sampling)
13. Even though District personnel indicated that annual compliance inspections are conducted at each of the SIUs, the Tetra Tech inspector did not find any documented inspection reports in the SIU files. Therefore, the District is required to revise its compliance inspections procedures to ensure that all compliance inspections are properly documented. (Section 7.2, Compliance Inspections)
14. The District has failed to identify all violations. The District is required to review its procedures for reviewing and analyzing reports submitted by its SIUs. The District is required to ensure that all violations are identified and enforcement actions are taken as specified in the District's ERP. (Section 7.4, Requesting, Receiving, and Analyzing Reports)
15. The District has not performed any slug discharge evaluations at any of its SIUs. Therefore, the District is required to evaluate each of its SIUs to determine whether any of the dischargers are required to develop and implement a slug discharge control plan. In addition, the District is required to document each of these evaluations. (Section 7.5, Slug Discharge Control Plans)
16. The District has failed to identify all instances of noncompliance and therefore has not taken appropriate enforcement action against SIUs in violation. The District is required to implement the enforcement actions outlined in its ERP for all instances of noncompliance. (Section 8, Enforcement)
17. The District failed to recognize that Calpine's and PPG's iron violations in 2009 caused the facilities to be in significant noncompliance. The District is required to review all the SIU files to determine whether other SIUs are in SNC for 2009. In addition, the District is required to publish all SIUs in SNC for 2009 in a newspaper of general circulation. (Section 8, Enforcement)

## **10.2 Recommendations**

1. The Tetra Tech inspector conducted a cursory review of the District's SUO (Ordinance No. 01-13-2004) and noticed some inconsistencies between it and the EPA model SUO. The Tetra Tech inspector strongly recommends that the District evaluate its SUO with the EPA Model Ordinance and the EPA Legal Review Checklist to determine if any revisions are needed. (Section 4, Legal Authority)
2. Even though District personnel indicated that annual compliance inspections are conducted at each of the SIUs, the Tetra Tech inspector did not find any documented inspection reports in the SIU files. The Tetra Tech inspector recommends that the District create an inspection checklist that can be used

TAB 4  
(Violation 1.D)

TAB 4A

2014 PCA Final Summary Report

pp. 29-30

#### **9.4 Requesting, Receiving, and Analyzing Reports**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(iv) require the District to request, receive, and analyze all reports submitted by SIUs. In addition, the SIU reports must contain the information required at 40 CFR 403.12.

According to the 2010 inspection report, the District failed to identify all violations. The District was required to review its procedures for reviewing and analyzing reports submitted by its SIUs. The District was required to ensure that all violations are identified and enforcement actions are taken as specified in the District's enforcement response plan (ERP). In response to this requirement, the District stated that it documented details of its compliance and enforcement activities in the *Annual Pretreatment Report* for 2012, which was submitted to the Central Valley Water Board on February 28, 2013. In addition, the District stated that it had prepared an updated methodology to ensure that all violations are identified and enforcement actions are taken as specified in the ERP. The updated methodology was included in the draft SUO.

According to the federal regulations at 40 CFR 403.8(f)(2)(iv), the POTW is required to receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40 CFR 403.12. From the files reviewed as a component of the 2014 audit, it was determined that 2013 self-monitoring data for the RockTenn CP, LLC facility was not included in the facility file. The District is required to adequately request, receive, and analyze reports submitted by SIUs as stated in the federal regulations at 40 CFR 403.8(f)(2)(iv).

#### **9.5 Slug Discharge Control Plans**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(vi) require the District to evaluate each SIU, either by October 14, 2006 or within one year of the facility's becoming an SIU, to determine whether the SIU needs to develop and implement a slug discharge control plan (SDCP). A slug discharge is any discharge of a non-routine, episodic nature, including an accidental spill or non-customary batch discharge [40 CFR 403.8(f)(2)(vi)]. The regulations also require an SIU to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

According to the 2010 inspection report, the District had not performed slug discharge evaluations at any of its SIUs. Therefore, the District was required to evaluate each of its SIUs to determine if any is required to develop and implement an SDPCP. In addition, the District was required to document each of these evaluations. In response to this requirement, the District stated that in 2010, the District developed an "Evaluation of SIUs [sic] Need for a Plan to Control Slug Discharge" form. Each SIU was evaluated and it was determined that none of the SIUs required an SDPCP at the time of the evaluation. These results were documented on the newly developed forms, which were filed in each SIU's folder. The District also stated that it had provided copies of the slug discharge evaluations for the SIUs in the September 2013 report submitted to the Central Valley Water Board.

During the 2014 audit, the District's Contract Engineer stated that in 2010 the District sent SDPCP surveys to its SIUs. The SIUs were required to complete the surveys in order

for the District to determine if any SIU needed to develop and implement an SDCP. The District's Contract Engineer stated that none of the District's SIUs were required to develop SDCPs at the time of the surveys were completed. The District should be aware that solely relying upon the completion of the SDCP survey by the IU is not an adequate method to determine the need for an SDCP. The District should take the SDCP survey into account, but it is strongly recommended that the District make its determination based on site inspections and practices observed at the facility.

The Stratas file reviewed contained a two-page document outlining the evaluation of the facility's need to develop an SDCP. The documentation provided indicates that the following information was reviewed: (1) did the facility have a slug discharge in the past year? (2) does the facility have spill containment? and (3) does the facility post notices providing information to contact the WWTP in the event that a slug discharge occurs? It is recommended that the facility or inspector include information on the "Evaluation of SIU's Need for a Plan to Control Slug Discharge" form that pertains to chemicals, chemical storage, and floor drain locations at the facility. The storage of chemicals in proximity to a floor drain may increase the potential for a slug discharge to occur at a facility and, thus, the facility's need to develop an SDCP.

## 10. Enforcement

The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. This plan must contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance. During initial conversations with the District, the District representative was unsure if the District had implemented an ERP. During the audit, the EPA audit team had discussions with the District's Contract Engineer who stated that the District's ERP was a component in the District's SUO. A cursory review of the District's draft SUO determined that the ERP was located in section 3.08.010. This section states that the District shall develop and implement an ERP which should include a description of how the District will investigate noncompliance, describe escalating enforcement, identify officials responsible for each response, and adequately reflect the District's primary responsibility to enforce all applicable pretreatment requirements and standards. However, section 3.08.010 of the District's SUO does not specifically identify how the District will investigate and respond to instances of industrial user noncompliance, or who is responsible for implementing the enforcement action. The District is required to develop and implement an ERP as stated at the federal regulations at 40 CFR 403.8(f)(5).

According to the 2010 inspection report, the District had failed to identify all instances of noncompliance and therefore had not taken appropriate enforcement action against SIUs in violation. The District was required to implement the enforcement actions outlined in its ERP for all instances of noncompliance. In response to this requirement, the District stated that it was currently reviewing and identifying all instances of noncompliance. In addition, the District stated that details of its compliance and enforcement activities were documented in the *Annual Pretreatment Report* for 2012, which was submitted to the Central Valley Water Board on February 28, 2013.

TAB 4B

2013 Annual Pretreatment Report

“Class 1 Inspection & Sampling  
Activities”

CLASS 1 INSPECTION AND SAMPLING ACTIVITIES

SIU Name	Address	Permit No.	SIU Facility Inspections	Slug Control Evaluation	District Sampling for Compliance Determination
Air Products	3333 S. Peach Ave	1140	1 11/13/2013	1	0
PPG	3333 S. Peach Ave	1038	1 10/29/2013	0	11
RockTenn	3366 E. Muscat Ave.	1001	1 10/29/2013	0	8
Rio Bravo	3350 S. Willow Ave.	1005	1 10/29/2013	0	11
Stratas	3390 S. Chestnut Ave.	1008	1 11/13/2013	0	11

TAB 4C

Kinder Morgan “Slug Discharge Plan”  
(included in 2014 3<sup>rd</sup> Quarterly  
Pretreatment Report)

## Slug Discharge Plan

Date: 09/18/2014

Facility: Kinder Morgan

Facility Address: 4149 S. Maple Avenue Fresno, CA 93725

Permit No: 1025 MCWD Account No: 055

Environmental Rep: Patricia Julianne Finkelnburg Office Phone: (714) 560-4972

Email: Julianne\_Finkelnburg@kindermorgan.com

### Slug Characteristics:

- Volume: 8000 gallons
- pH: 4.1
- Electric Conductivity: 1630 umhos/cm
- The slug does not meet the acceptable pH range of 5.5 of their permit
- BOD was not tested for

### Plan:

Kinder Morgan will discharge the 8000 gallon slug over a 5 day period starting on September 23, 2014 and ending September 27, 2014. Each day, there will be 4 separate discharges lasting 15 minutes each. They will take place at 10:00 am, 1:00 pm, 4:00 pm, and 7:00 pm. The rate of discharge will be 30 gallons/minute. This would mean 1800 gallons would be discharged in a day.

The low pH of the slug will remain as it is. It will not be adjusted because adjusting it will only cause an increase in EC.

The wastewater operator will monitor the influent starting at 10:00 am. Monitoring will be done every 2 hours to measure the impact of the slug. The wastewater operator will contact Kinder Morgan should there be a need for any adjustments to the rate of discharge of the slug.

Kinder Morgan will have to take a BOD test of the slug and report the results to the district. They will be charged a surcharge for any excess BOD.

*This plan is approved by the district manager*



Date: 09/22/2014

TAB 4D  
2010 PCI Checklist  
Section II, p. 15



TAB 4E

2015 PCI Summary Report

pp. 30-33

micromhos per centimeter ( $\mu\text{mhos/cm}$ ) and the pH was measured as 5.73 s.u. at approximately 10:30 a.m.

According to Part 1.8 of the facility's permit, "Pretreatment facilities (including sampling and flow monitoring facilities) shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations, and any applicable permits by the User at the User's own cost and expense." Due to the large variation of the pH and electrical conductivity measurements recorded in the facility's log sheet, it was unclear if the facility was properly maintaining its wastewater sampling equipment to obtain accurate readings.

Due to the facility's lack of maintenance records, (including probe cleaning and calibration, solids removal from the clarifier, etc.) for the Water Maze system, and lack of flow to the Water Maze system, the District is required to ensure that the permittee properly maintains its pretreatment system in accordance with Part 1.8 of the facility's permit. It is also recommended that the facility keep detailed records regarding maintenance activities conducted at the facility.

The wash bays had six mobile power spray washers and numerous 200-gallon totes and 55-gallon drums positioned around the perimeter of the bays. The facility's wash solution and water delivery systems had a lot of cross connections, "jerry rigged" assets, and unlabeled lines/hoses. The "jerry rigging" was not limited to the water and cleanser delivery systems. The Inspection Team observed an old plumbing line and faucet being used as an electrical conduit line.

#### **8.4 Requesting, Receiving, and Analyzing Reports**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(iv) require the City to request, receive, and analyze all reports submitted by SIUs. The SIU reports must contain the information required at 40 CFR 403.12.

According to the 2014 audit report, the 2013 self-monitoring data for the RockTenn CP, LLC facility was not included in the facility file. The District was required to adequately request, receive, and analyze reports submitted by SIUs as stated in the federal regulations at 40 CFR 403.8(f)(2)(iv).

As a component of the 2015 inspection, the self-monitoring data submitted by Air Products, RockTenn, and Stratas Foods were reviewed.

The self-monitoring reports submitted to the District by Air Products dated January 12, 2015 included a discharge monitoring report form with sampling results for the parameters that were required to be sampled and submitted by the facility. However, analytical data and chain-of-custody forms were not included with the self-monitoring report submitted by the industry. According to 40 CFR 403.8(f)(2)(iv), the District is required to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the 40 CFR 403.12. According to 40 CFR

403.12(g)(3), sampling must be conducted using the protocols specified in 40 CFR 136. Since the analytical data and chain-of-custody forms were not provided with the self-monitoring report submitted by Air Products, the Inspection Team could not confirm that the samples were collected and analyzed in accordance with the regulations at 40 CFR 136. The District is required to receive and analyze self-monitoring reports and other notices submitted by Industrial users in accordance with the 40 CFR 403.12 as stated at 40 CFR 403.8(f)(2)(iv).

The following additional deficiencies were identified regarding the self-monitoring data submitted by the Air Products, RockTenn, and Stratas Foods facility; and ultimately with the District's process of requesting receiving and analyzing reports.

- The Inspection Team reviewed the data on the Environmental Compliance Inspector's computer (the location identified as housing all relevant SIU data) and identified that the following self-monitoring reports were not included in the SIU files reviewed.

- Air Products—The 2014 permit required the facility to monitor and record flow on a daily basis and to monitor and submit sampling results for BOD, TSS, copper, lead, and pH semiannually (June and December). According to the information provided in the District's files, the facility did not submit flow monitoring data for January, February, or March 2014.

Also, according to the 2015 permit, the facility is required to monitor and record flow on a daily basis and submit sampling results for BOD, TSS, pH and EC on a monthly basis. According to the information provided in the facility's file, the facility did not submit the monthly self-monitoring data for BOD, TSS, pH, and EC for the first two months of 2015.

- RockTenn—According to the 2014 permit, the facility was required to collect continuous EC samples, daily flow samples, monthly BOD and TSS samples, and weekly pH samples. The facility was also required to collect annual samples for aluminum, arsenic, barium, boron, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, and zinc during the month of June. According to the information provided in the District's file, the facility did not collect and analyze samples for lead, mercury, nickel, selenium, or silver during 2014 as required by its permit. It should also be noted that the facility provided sampling results for the parameters that were sampled in 2014 in an Excel spreadsheet. The spreadsheet did not include analytical data or a chain-of-custody forms.
- According to the 2014 permit, the Stratas Foods facility was required to sample flow on a daily basis; BOD, TSS, pH, and EC on a weekly basis; and oil and grease twice per week. The 2014 Stratas Foods permit does not state how the local limits were to be applied. Therefore, several potential effluent violations were identified, as described in Table 3.

**Table 3. Potential Permit Exceedances According to the Self-Monitoring Reports Submitted by Stratas Foods for August 2014**

Parameter	Average Monthly Reported Sampling Result	Instantaneous Reported Sampling Result (date)	2014 Permit Limit
BOD	365	No exceedance	1,000 mg/L
TSS	34	No exceedance	1,000 mg/L
EC	714	<b>962 <math>\mu</math>hos/cm</b> (8/21/2014)	950 $\mu$ hos/cm
pH	7.7	<b>9.3 s.u.</b> (8/21/2014)	6.0–9.0 s.u.
O&G	56	<b>190 mg/L</b> (8/7/2014)	100 mg/L

The information provided in the District's file for the facility did not indicate the District had identified these potential violations or had taken enforcement action for the instantaneous sample results that exceeded the facility's permitted limits. Again, the facility's permit did not specify if the limits should be applied as monthly averages or instantaneous maximums.

The District should review the reports and inform the facilities that pH values cannot be averaged. pH is a logarithmic function used to measure the concentration of hydronium ions in an aqueous solution, it cannot be averaged due to its logarithmic characteristics.

Due to the aforementioned deficiencies, the District is required to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the 40 CFR 403.12 as stated at 40 CFR 403.8(f)(2)(iv).

### **8.5 Slug Discharge Control Plans**

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(vi) require the District to evaluate each SIU, either by October 14, 2006 or within 1 year of its becoming an SIU, to determine whether the SIU needs to develop and implement a slug discharge control plan. A slug discharge is any discharge of a nonroutine, episodic nature, including an accidental spill or noncustomary batch discharge [40 CFR 403.8(f)(2)(vi)]. The regulations also require an SIU to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

As previously stated, at the beginning of the 2015 inspection, the District representatives were referring to facilities that batch discharge wastewater as facilities with "slug discharges." The Inspection Team asked specifically about the District's process for inspecting facilities and evaluating the need for those facilities to develop and implement slug discharge control plans. The District provided to the Inspection Team a slug discharge control plan for the Kinder Morgan facility. The Inspection Team reviewed a document titled "Slug Discharge Plan" dated November 4, 2014 stating the "slug characteristics" and the plan to discharge the slug. The plan states, "The low pH of the slug will remain as it is. It will not be adjusted because adjusting it will only cause an increase in EC."

The Inspection Team thoroughly discussed with the District representatives the difference between a “slug discharge” and a “batch discharge.” The Inspection Team also expressed the importance of preventing the discharge of slugs to the POTW. Additionally, the inspection reports reviewed did not include a section for evaluating the potential for a slug discharge to occur or documentation that the District had evaluated the facility’s need to develop and implement a slug discharge control plan. The District was unable to provide other documentation indicating that the SIUs had been evaluated for the need to develop and implement a slug discharge control plan. Therefore, the District is required to evaluate whether each SIU needs a plan or other action to control slug discharges in accordance with 40 CFR 403.8(f)(2)(vi).

The District is reminded that if SIUs are required to develop and implement slug discharge control plans, those plans must meet the federal requirements at 40 CFR 403.8(f)(2)(vi)(A–D).

## **9. Enforcement**

The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. This plan must contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance.

According to the 2014 audit report, the District representative did not know if the District had implemented an ERP. During the audit, the EPA audit team had discussions with the District’s Contract Engineer, who stated that the District’s ERP was a component of its SUO. The audit team performed a cursory review of the District’s draft 2014 SUO and determined that the ERP was located in Section 3.08.010. This section stated that the District should develop and implement an ERP, which should include a description of how the District would investigate noncompliance, describe escalating enforcement, identify officials responsible for each response, and adequately reflect the District’s primary responsibility to enforce all applicable pretreatment requirements and standards. However, Section 3.08.010 of the District’s draft 2014 SUO did not specifically identify how the District would investigate and respond to instances of industrial user noncompliance, or who is responsible for implementing the enforcement action. The District was required to develop and implement an ERP as stated at the federal regulations at 40 CFR 403.8(f)(5).

Also, according to the 2014 audit report, documentation in the Stratas Foods file indicated the facility had notified the District, via a letter, of a monthly average O&G exceedance on October 17, 2012. According to the September 2012 self-monitoring report, the facility’s monthly average sampling result for O&G was 166 mg/L; the permitted limit for O&G was 100 mg/L. However, the District did not take enforcement action against the facility upon receipt of the letter. The District was required to ensure that the facility notify the District within 24 hours of becoming aware of a violation, as stated in the federal regulations at 40 CFR 403.12(g)(2).

During the 2015 inspection, the District representatives stated that the District had updated its ERP as a component of the SUO review that had occurred in February 2014. The Inspection Team reviewed the District’s response to the Fifth-Wheel Truck Wash

TAB 4F

2015 PCI Summary Report

pp. 23-24

the truck washing operations, thereby providing consistency in the nature and characteristic of the wastewater generated and discharged from the facility. It is also recommended that the facility develop and implement SOPs for maintaining its oil/water separators.

During the site visit, the Inspection Team also observed a facility employee washing under the hood of one of the tractor trailer trucks. Although the wash waters generated at the facility are treated by an oil/water separator prior to being discharged to the POTW, it is recommended that the District evaluate this practice for how it may impact the quality of the wastewater discharged to the POTW.

- *Kinder Morgan SFPP, L.P.* The facility is a fuel distribution facility. The facility's operations include the storage, distribution, and modification of various types of fuels. The fuels are modified by the injection of various additives. The District had permitted the facility as a Class 1 SIU due to the potential of the discharges from the facility to negatively impact the POTW.

The facility discharges pretreated rain and wash waters, as well as minor spills from the facility's process areas to the POTW. The facility stored and transferred fuel products to tanker trailers. Additives were injected to various fuels as the fuel was transferred into the tanker trailers. The facility's process operations and tank farm areas were not inspected as a component of the inspection.

The facility's pretreatment system is comprised of a rock trap, an oil water separator, two 10,000-gallon holding tanks, two 25-micron sock filters, and two 2,000-gallon liquid granular activated carbon (GAC) filters, arranged in series.

The facility representatives were asked for an operational sketch of the facility wastewater process. The facility representatives provided a sketch to the Inspection Team. Three modifications were made to the sketch based on conversations during the 2014 inspection. These modifications included: 1) a rock trap had been installed prior to the oil/water separator; 2) waste oil collected in the oil water separator was hauled offsite to a refinery for processing; and 3) the pretreatment system has the ability to recycle effluent back to the holding tanks for retreatment prior to discharge. It is strongly recommended that the District request the facility to modify its process area schematic and obtain a current version of the schematic to keep on file.

A majority of the discussions during this inspection focused on the facility's activities associated with identifying the sources of high EC in the facility's wastewaters discharged to the District. Facility representatives stated that a product sampling program had been implemented to document EC concentrations of products onsite and to further evaluate possible EC sources in the facility's wastewater.

District representatives stated they had experienced a number of issues with high EC loading discharged from the facility to the POTW in the past. As a result, the District issued the facility a Class 1 IU permit. In response to the high EC loading

issues from the facility, it is strongly recommended that the District formally conduct an in-depth evaluation of the sources of the EC loading. As a component of the evaluation, the District shall inspect the operations associated with fuel transfer and cleanup operations. The District should also review the facility's SOPs for fuel loading/offloading, fuel additive injection, general cleanup, spill response, and pretreatment system operation. It is further recommended that the District thoroughly document these findings in an investigation report.

As previously mentioned, the District representatives had confused the terms "slug discharge" and "batch discharge." Specifically, the District had required the facility to develop and implement a "slug discharge plan." However, upon further review of the document, the Inspection Team identified that the District was describing batch discharge practices instead of slug discharge prevention. Therefore, it is strongly recommended that the facility's discharge practices be described as a "batch" discharge instead of as a "slug" discharge. It is further recommended that the District require the facility keep a batch discharge log to document the date, time, and volume of batch discharges from the facility to the POTW.

- *PPG Industries.* The facility produces flat and tempered glass products for various industries. The purpose of the inspection was to evaluate the exterior perimeter of the facility. Specifically, the Inspection Team reviewed the outdoor emergency spill and discharge ponds due to recent power outages at the facility. According to District representatives, a power outage had recently occurred at the facility in 2015. The facility sampling location was also inspected as a component of the site visit. The process operations were not discussed or inspected during the facility inspection. The City had permitted the facility as a Class 1 SIU due to the potential for the facility's discharges to adversely impact the POTW.

The facility had recently experienced a power outage that caused the primary and secondary power systems at the facility to fail. The power failure caused the electrical power-driven process operations to shut down, which included the control movement of molten glass and cooling systems. Due to the extreme temperature of the molten glass, the system was designed with an emergency system to provide protection in the event of a power failure. For instance, during the power outage, the molten glass and cooling waters were gravity fed to the facility's "Frit Pit" (located outside the back of the facility).

The facility's pretreatment system was not inspected as a component of the site visit. The site visit focused on the inspection of the facility's emergency spill and discharge ponds, in addition to the sampling location.

During power outages, wastewaters were not discharged to the District's POTW. The facility representatives were asked to describe the general events associated with the facility's recent power failure. *The following is a very general overview of the discussions with facility representatives:*

TAB 5  
(Violation 1.E)

TAB 5A  
2010 Annual Pretreatment Report  
(8 pages total)



# MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO CALIFORNIA 93725

BOARD OF DIRECTORS

CHARLES H. GARABEDIAN JR.  
PRESIDENT

JOHN R. LEVVA  
VICE-PRESIDENT

SALVADOR CERRILLO  
DIRECTOR

IRMA CASTANEDA  
DIRECTOR

FRANK SOTO  
DIRECTOR

RUSS HOLCOOMB - GENERAL MANAGER

February 22, 2011

FEB 24 2011

California Regional Water Quality Control Board  
Attn: Mr. Dale Harvey  
1685 E Street  
Fresno, CA 93706

MONITORING REPORT REVIEW

Engineer \_\_\_\_\_

Compliance \_\_\_\_\_  
Yes                      No

Date Reviewed \_\_\_\_\_

Re: Malaga County Water District  
Annual Pretreatment Report

Dear Mr. Harvey:

This annual report is submitted in accordance with Waste Discharge Requirements R5-2008-0033.

The District was the subject of an audit of the Pretreatment Program in February, 2010. Several updates and corrections to the present Pretreatment Program were identified during the audit. The District prepared several updates to the program based on the audit meeting. It is anticipated that the District will complete a formal response and verification of compliance with the comments, subsequent to receiving the official audit report.

List of Industrial Users

Attached (see Exhibit A) is a listing of each Industrial and Commercial User within the Malaga County Water District. These records are updated as required to reflect changes in permit holders. The dischargers are categorized in three classes as described below:

Class II

Most of the non-residential wastewater dischargers are warehouse or office commercial enterprises. Those facilities generally include administration staff and possible warehousing of products. Minimal specific monitoring or reporting requirements have been identified for those sites.

Several dischargers have facilities that require grease traps, sediment separators, or oil/water separators as pretreatment improvements. Examples of these facilities include a car wash, truck wash, and a trucking operation. Monitoring and

reporting includes inspection of the pretreatment facilities approximately one time per year and reporting of waste hauling activities by the discharger.

### Class I

The remaining facilities are industrial in nature and require more comprehensive monitoring and reporting programs. These facilities include a plate glass production plant, biomass cogeneration plant, and oil products processor. Copies of the specific monitoring and reporting programs for each of these facilities are included with this report. (Exhibit B)

Class I dischargers include:

<u>Dischargers</u>	<u>Permit No.</u>
Smurfit	1001
Air Products and Chemicals, Inc.	1140
PPG Industries	1038
Rio Bravo Fresno	1005
Stratas Foods	1008

### Compliance with Permit Conditions

All dischargers are determined to be in compliance with the permit conditions with the exception of:

<u>Discharger</u>	<u>Permit No.</u>
Fresno Truck Wash	(1095)

Official notices to the respective dischargers regarding non-compliance and the respective requirements to return to compliance are attached.

### §307(a) of Clean Water Act

Analytical results for pollutants identified in §307(a) of the Clean Water Act and 40 CFR 401.15 are limited. The industries served by the Malaga County Water District are generally not identified as dischargers of these pollutants

### Upset, Interference of Pass-Through Incidents

The District has experienced upset, interference or pass-through incidents that may be directly associated with industrial users of the treatment plant. The District continues with increased monitoring, education of industrial dischargers, surcharges, and consideration of reduced electroconductivity limits to address this issue.

Examples of interference incidents include foaming that may have been initiated from a truck wash and could have directly impacted TSS and turbidity of the WWTP effluent.

#### **Baseline Monitoring Report Notification**

The District contacts all Class I dischargers a minimum of once per year. The information acquired during the contact is used to update any conditions or the status of the Non-Residential Wastewater Discharge Permit.

#### **Inspection and Sampling Activities**

Many of the industrial and commercial dischargers have been subjects of independent sampling by the Malaga County Water District. Results of the testing are reviewed for consistency with self-monitoring reporting of the industrial dischargers. Facilities that required permit renewal were contacted and inspected prior to issuance of an updated permit. Description of facilities, contact names, and relevant monitoring and reporting requirements were updated pursuant to the inspections. A copy of the typical Inspection Form template is included in Exhibit C.

Several individual dischargers have been identified as the primary sources of electroconductivity to the collection system based on the activities at each site and monitoring information received. The District has performed specific monitoring of said dischargers and has educated the dischargers regarding the pretreatment ordinance and limitations.

#### **Compliance and Enforcement Activities**

The District does have in place a schedule of surcharges that are directed to penalize non-compliance with the limits incorporated in the pretreatment ordinance. The District has not been required to issue surcharges or Notices of Violation in the past year.

#### **Administrative Complaint (Exhibit D)**

Fresno Truck Wash

#### **Civil Actions**

None

#### **Criminal Actions**

None

#### **Assessment of Monetary Penalties**

None in 2010.

Restriction of Flow to POTW

None

Disconnection from POTW

None

Public Participation Activities

None

Sludge Disposal Method Alterations

None

Pretreatment Program Alterations

The District modified Conditions for permits in 2010.

Additional modifications will be completed in 2011 based on the input and direction received from the audit conducted by the EPA in early 2010.

Annual Pretreatment Budget

The pretreatment program budget a part of the overall sewer budget for the Malaga County Water District.

Respectfully,



Russ Holcomb  
General Manager

MGT/LEQ

c: State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105

Provost & Pritchard Engineering Group, Michael Taylor  
286 W. Cromwell Ave.  
Fresno, CA 93711

**Malaga County Water District**

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**Exhibit A  
List of Industrial Users**

**Malaga County Water District.**

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**Exhibit B  
Monitoring and Reporting Conditions  
For Class I Dischargers**

**Malaga County Water District**

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**Exhibit C  
Inspection Form**

**Malaga County Water District**

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**Exhibit D  
Administrative Complaint**

TAB 5B

2014 PCA Final Summary Report

pp. 40-41

the file which showed that the facility notified the District for each of the violations listed above in Table 1. The District is required to ensure that the facility notifies the District within 24 hours of becoming aware of a violation as stated in the federal regulations at 40 CFR 403.12(g)(2). In addition, the District is required to ensure that it is taking the appropriate actions to enforce the discharge limits stated in the facility permit in order to protect the District's POTW. (Section 10, Enforcement)

23. As stated at 40 CFR 403.8(f)(2)(viii), the District is required to annually publish all facilities in SNC in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW. The District representative stated during the 2014 audit that the District does not publish notices regarding facilities in SNC in a newspaper of general circulation. The District is required to ensure that the names of SIUs in SNC are published in a newspaper of general circulation as stated in the federal regulations at 40 CFR 403.8(f)(2)(viii). As noted in section 2.3.1, the District was unaware if any of the SIUs were in SNC in 2013. (Section 10, Enforcement)
24. As a component of the 2014 audit, the District's data management system for implementation of the pretreatment program was reviewed. When the audit team requested to review the District's files, the District representative was able to produce some of the IU permits in hardcopy form but was unable to provide the full IU files to the audit team. The audit team reviewed files that were maintained by the Contract Engineer, but not by the District. These files were not kept for regulatory purposes but for tracking the Contract Engineer's work products. The District's Contract Engineer stated that they were not contracted to maintain the District's official files. The documentation for each SIU was located in individual files. However, some SIU reports were stored in other SIU's files. The files at the District's Contract Engineer's office were unorganized, incomplete, and did not constitute pretreatment files on the District's behalf. The District is required to maintain records of monitoring activities as stated in the federal regulations at 40 CFR 403.12(o). It is strongly recommended that the District develop a system of documenting and filing information for implementation of the pretreatment program and that the District maintain records of the pretreatment program separate from that of its Contract Engineer. (Section 11, Data Management)
25. As a component of the 2014 audit, the District's pretreatment program budget was requested. During the initial discussion of the budget, the District representative stated that the budget was not specifically broken down by program (i.e., there was not a specific line item identifying resources strictly dedicated to the pretreatment program). The District representative provided the audit team with a list that included the budget for water, sewer, solid waste disposal services, recreational services, and administration and general services. The federal regulations at 40 CFR 403.8(f)(3) require the District to have sufficient resources and qualified personnel to carry out the authorities and procedures of the industrial pretreatment program. The District is required to evaluate its resources,

including personnel, to ensure that the industrial pretreatment program is adequately managed. In addition, it is strongly recommended that the District reorganize the budget to break down specific programs in order to determine if the pretreatment program resources are adequate for the operation of a successful program. (Section 13, Pretreatment Program Resources)

## **14.2 Recommendations**

1. It is recommended that the District develop a pharmaceutical take-back program and expand its outreach to senior care centers, hospitals, and pharmacies. Successful take-back programs have been implemented in California's San Francisco Bay Area by the Bay Area Pollution Prevention Group (BAPPG); the U.S. Environmental Protection Agency (EPA) considers the BAPPG programs to be model systems. (Section 2.2.3, Pharmaceutical Recovery)
2. The District did not provide data or information to the audit team regarding the mercury concentrations of the WWTP's influent, effluent, or sludge. It is recommended that the District review data pertaining to mercury concentrations of the WWTP's influent, effluent, and sludge in order to determine if these concentrations are decreasing, increasing, or remaining unchanged. Furthermore, it is recommended that the District develop a dental mercury program. The District should begin by identifying the dental facilities in its service area, followed by investigating dental practices pertaining to their handling of dental mercury and amalgam. The American Dental Association serves as an informational resource and provides best management practices pertaining to the management and disposal of dental mercury and amalgam (Section 2.3.3, Dental Mercury)
3. The District representative stated that the District does not have industrial laundry facilities within its service area. It is recommended that the District discuss and review the EPA's Safer Detergents Stewardship Initiative (SDSI) program with any industrial laundries that come into the District's jurisdiction in the future. SDSI is a voluntary program to commit to the use of safer surfactants. Safer surfactants are those which break down quickly to non-polluting compounds, therefore helping to protect aquatic life in both freshwater and salt water. Nonylphenol ethoxylates (NPEs) are an example of a surfactant class that does not meet the definition of a safer surfactant. (Section 2.3.4, Industrial Laundries)
4. In addition, according to the State Water Board Order WQ No. 2006-0003, there is a requirement that POTWs enrolled under the General Order evaluate its service area to determine if a FOG program is needed. Therefore, it is recommended that the District continue to develop and implement its FOG control program and provide public outreach about the proper disposal of FOG waste. A component of the FOG program should also include working with FSEs to ensure that FSEs have adequate grease removal devices that are properly maintained in order to protect the District's POTW. In addition, it is recommended

TAB 5C

2008 Annual Pretreatment Report

Public Participation Activities

None

Sludge Disposal Method Alterations

None

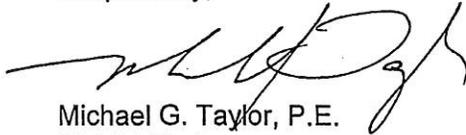
Pretreatment Program Alterations

The District reduced the limit for electroconductivity from 1,000 to 950 micromhos/cm for all dischargers.

Annual Pretreatment Budget

The pretreatment program budget a part of the overall sewer budget for the Malaga County Water District.

Respectfully,



Michael G. Taylor, P.E.  
District Engineer

MGT/HEB

c: State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105

Provost & Pritchard Engineering Group, Michael Taylor  
286 W. Cromwell Ave.  
Fresno, CA 93711

TAB 5D

12 April 2012 Notice of Violation

pp. 1-4

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Central Valley Regional Water Quality Control Board

12 April 2012

CERTIFIED MAIL  
7011200000117692463

## NOTICE OF VIOLATION

Mr. Russ Holcomb  
Malaga County Water District  
3580 South Frank Street  
Fresno, CA 93725

### VIOLATION OF WASTE DISCHARGE REQUIREMENTS WDR ORDER R5-2008-0033 AND CEASE AND DESIST ORDER R5-2008-0032, MALAGA COUNTY WATER DISTRICT WASTEWATER TREATMENT FACILITY (NPDES CA0084239, RM 384386), FRESNO COUNTY

Central Valley Water Board staff (staff) reviewed Malaga County Water District (District) WWTF Waste Discharge Requirements Order (WDR) R5-2008-0033, Cease and Desist Order (CDO) R5-2008-0032 (both adopted on 14 March 2008) and evaluated the District's compliance. The District violated, is in violation of, or threatens to violate the WDR and CDO as follows:

#### REPORT REQUIREMENTS

**WDR R5-2008-0033 requires the following reports:**

- 1) By 12 June 2008, Provision VI. C. 2.a.i required a Toxicity Reduction Evaluation (TRE) work plan that included procedures for accelerated chronic toxicity monitoring and TRE initiation. On 19 June 2008, the District submitted its initial TRE work plan. By 5 August 2008 letter Central Valley Water Board staff (staff) deemed the TRE work plan incomplete.
  - 9 September 2008 – revised report received – report complete - 89 days late.
- 2) By 14 September 2008, Provision VI. C. 2.b required the District to submit a work plan and schedule for providing best practicable treatment or control (BPTC) as required by Resolution 68-16. On 24 July 2008, the District submitted its BPTC evaluation and submitted supplemental information on 9 September 2008 and 1 May 2009. By 24 September 2009 letter, staff deemed the BPTC evaluation incomplete.
  - 23 October 2009 – revised report received – 404 days late
- 3) By 15 September 2008, Provision VI. C. 2.d requires the District to submit a technical report evaluating the groundwater monitoring system. On 15 July 2008, the District submitted the report with supplemental information submitted on 3 November 2008.

By 24 September 2009 letter, staff deemed the report incomplete. On 23 October 2009, the District submitted an updated evaluation.

- 23 October 2009 – revised report received - 403 days late
- 4) Within 21 days of the end of the quarter, Monitoring and Reporting Requirements No. R5-2008-0033 D. 4. Pretreatment Reporting Requirements require the District to submit quarterly reports (the 4<sup>th</sup> quarter monitoring is to be included with the annual report).
- 2<sup>nd</sup> Quarter 2008 Pretreatment – not received – due 21 July 2008
  - 3<sup>rd</sup> Quarter 2008 Pretreatment – not received – due 21 October 2008
  - 2<sup>nd</sup> Quarter 2009 Pretreatment – not received – due 21 July 2009
  - 3<sup>rd</sup> Quarter 2009 Pretreatment – not received – due 21 October 2009
  - 1<sup>st</sup> Quarter 2010 Pretreatment – not received – due 21 April 2010
  - 2<sup>nd</sup> Quarter 2010 Pretreatment – not received – due 21 July 2010
  - 3<sup>rd</sup> Quarter 2010 Pretreatment – not received – due 21 October 2010
  - 1<sup>st</sup> Quarter 2011 Pretreatment – not received – due 21 April 2011
  - 3<sup>rd</sup> Quarter 2011 Pretreatment - received 10/31/2011-10 days late
- 5) By 28 February each year, Monitoring and Reporting Requirements R5-2008-0033, D. 4 Pretreatment Reporting Requirements, require the District to submit annual pretreatment reports.
- 2008 Annual Pretreatment - received 3 April 2009 - report 34 days late
  - 2009 Annual Pretreatment – not received – due 28 February 2010
  - 2011 Annual Pretreatment - received 1 March 2012 – report 2 days late
- 6) By 19 February each year, Provision VI. C. 5.b.iv Sludge/Biosolids Discharge Specifications require the District to comply with existing federal and state biosolids laws and regulations, including permitting requirements and technical standards included in 40 CFR 503, which requires an annual biosolids report due to USEPA. On 13 March 2012, staff contacted USEPA and was told that the District has never submitted an annual biosolids report.
- 2008 Annual Biosolids – not received – due 19 February 2009
  - 2009 Annual Biosolids – not received – due 19 February 2010
  - 2010 Annual Biosolids – not received – due 19 February 2011
  - 2011 Annual Biosolids – received 15 March 2012, deemed incomplete by USEPA (see attached 20 March 2012 email)
- 7) By 14 July 2008, Provision VI. C. 7.a.ii Treatment Feasibility Study required the District to submit a work plan and time schedule to perform an engineering treatment feasibility study.
- 9 December 2009 - report received - 513 days late.

**CDO R5-2008- 0032 requires the following reports:**

- 8) By 14 April 2008, Ordered item 2.a. required the District to submit a work plan and proposed implementation schedule for improvement of WWTF influent flow metering.
  - 21 April 2008 report received – 7 days late
- 9) By 14 March 2008, Ordered item 2.b. required the District is to submit a technical report certifying the influent flow modifications are complete and meter is properly calibrated. On 6 August 2009 the District submitted flow meter calibration certificate.
  - 9 December 2009 – report received – 635 days late
- 10) By 13 June 2008, Ordered item 3.a required the District to submit the results of a study evaluating the WWTF treatment and disposal capacity with a work plan and time schedule to implement short-term and long-term measures to meet WWTF treatment and disposal needs through at least 2028. On 28 July 2008, the District submitted the report. On 24 September 2009, staff deemed report incomplete and inadequate and required a revised report. A revised report was never received.
  - Treatment and Disposal Capacity – not received – due 13 June 2008
- 11) By 14 March 2011, Ordered item 3.d requires the District complete short-term measures and to submit a technical report certifying modifications were completed as designed. On 29 April 2011, the District submitted report indicating that not all short-term measures were complete.
  - Short-term Measures – all measures not completed – due 14 March 2011

As stipulated in the WDR, and CDO, the District is required to submit technical and monitoring reports pursuant to section 13267 and 13383 of the California Water Code. To date, the reports cited above do not meet the requirements of the WDR and CDO. Please be advised that section 13268 of the California Water Code authorizes assessment of civil administrative liability of up to \$1000 per day a report is late

Many of the above referenced reports have not been submitted or were found to be incomplete. Submit any available reports identified as not submitted forthwith. Potential civil liability continues to accrue for late and incomplete reports.

**SELF-MONITORING REPORTS REVIEW**

Staff reviewed the District's self-monitoring reports for non-mandatory minimum penalty violations for the period of 14 March 2008 to 31 January 2012. The District violated, is in violation of, or threatens to violate WDR R5-2008-0033 as follows:

- 12) Facility Effluent Limitations IV.A.2 for exceeding the EC limit at Discharge Point 002 - one violation.
- 13) Receiving Water Limitations V.B.1 for exceeding the EC ground water limitation of 900 umhos/cm - 24 violations
- 14) Receiving Water Limitations V.B.2 for exceeding the nitrogen ground water limitation of 10 mg/L - two violations
- 15) Provision VI. B. for failure to comply with the Monitoring and Reporting Program by submitting deficient self-monitoring reports. From 14 March 2008 to 31 January 2012 there were 65 deficient monitoring violations.
- 16) Provision VI. B. for failure to comply with the Monitoring and Reporting Program by submitting deficient self-monitoring reports. From 14 March 2008 to 31 January 2012 there were 87 deficient reporting violations.
- 17) Provision VI. C.4. iv for failure to maintain two feet of operating freeboard in the ponds- 272 violations in 2008 and 2009.
- 18) Provision VI. C. 5.c Sludge/Biosolids Disposal Requirements for failing to dispose of biosolids as authorized by the WDR. The District states in its 2011 pretreatment and annual report that it is composting biosolids onsite, contrary to the WDR.

If you have any questions regarding this matter, please contact Jill Walsh at (559) 445-5130 or at [jwalsh@waterboards.ca.gov](mailto:jwalsh@waterboards.ca.gov).



WARREN W. GROSS  
Senior Engineering Geologist  
CEG 1528, CHG 681

Attachment: 20 March 2012 email from USEPA

cc: Ellen Howard, Office of Enforcement, State Water Board, Sacramento  
Dan Radulescu, Central Valley Water Board, Rancho Cordova  
Charles Garabedian, Jr., Malaga County Water District, Fresno  
Michael Taylor, Provost & Pritchard, Fresno  
Neal E. Costanzo, Costanzo & Associates, Fresno

TAB 5E

2010 Calpine Permit

(included in 2010 Annual

Pretreatment Report) (4 pages total)

## PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

### 1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in Ordinance 01-13-2004. Prohibited materials include but are not necessarily limited to:

- (a) Any materials which may cause interference or pass-through;
- (b) Oils and grease in any concentration or quantity which may contribute to an obstruction;
- (c) Explosive mixtures;
- (d) Noxious material;
- (e) Improperly shredded garbage;
- (f) Solid or viscous wastes which may cause obstruction;
- (g) Slug loads;
- (h) Toxic or hazardous substances;
- (i) Unpolluted waters
- (j) wastes with objectionable color not removed by the treatment process;
- (k) Corrosive wastes;
- (l) Trucked or hauled waste;
- (m) Any other materials which may cause or contribute to a detrimental environmental impact or nuisance, interfere with District opportunities to reclaim or recycle products of the treatment process, or may otherwise be incompatible with the wastewater facilities.

### 2. Specific Discharge Prohibitions

pH acceptable range = 6.0 – 9.0

E.C. (conductivity) 950 µmhos/cm maximum

B.O.D. 1,000 mg/l, (Surcharge above 300mg/l)

Suspended Solids 1,000 mg/l, (Surcharge above 270mg/l)

C.O.D. 1,000 mg/l,

Oils and Greases 100 mg/l,

Metals (with associated maximum allowable discharge):

lead	5ppm	silver	5ppm		
arsenic	5ppm	benene	0.02ppm	phenols	1ppm
cadmium	0.1ppm	zinc	5ppm		
chromium	5ppm	copper	5ppm	aluminum	5ppm
mercury	0.2ppm	barium	10ppm		
nickel	5ppm	selenium	1ppm	boron	8ppm

Total Toxic Organics (TTO)

Acenaphthene	Bis(2-chloroethoxy) methane	Toluene
Acrolein	Methylene chloride	Trichloroethylene
Acrylonitrile	Methyl chloride	Vinyl chloride
Benzene	Methyl bromide	Aldrin
Benzidine	Bromoform	Dieldrin
Carbon tetrachloride	Dichlorobromomethane	Chlordane
Chlorobenzene	Chlorodibromomethane	4,4-DDT
1,2,4 - Trichlorobenzene	Hexachlorobutadiene	4,4-DDE(p,p-DDX)
Hexachlorobenzene	Hexachlorocyclopentadiene	4,4-DDD(p,p-TDE)
1,2, - Dichloroethane	Isophorone	Alpha-endosulfan
1,1,1 - Trichloroethane	Naphthalene	Beta-endosulfan
Hexachloroethane	Nitrobenzene	Endosulfan sulfate
1,1 - Dichloroethane	2-Nitrophenol	Endrin
1,1,2 - Trichloroethane	4-Nitrophenol	Endrin aldehyde
1,1,2,2- Tetrachloroethane	2,4-Dinitrophenol	Heptachlor
Chloroethane	4,6-Dinitro-o-cresol	Heptachlor epoxide
Bis (2-chloroethyl) ether	N-nitrosodimethylamine	Alpha-BHC
2-Chloroethyl vinyl ether	N-nitrosodiphenylamine	Beta-BHC
2-Chloronaphthathene	N-nitrosodi-n-propylamine	Gamma-BHC
2,4,6 - Trichlorophenol	Pentachlorophenol	Delta-BHC
Parachlorometa cresol	Phenol	PCB-1242 (Arochlor 1242)
Chloroform	Bis (2-ethyhexyl) phthalate	PCB-1254 (Arochlor 1254)
2-Chlorophenol	Butyl benzyl phthalate	PCB-1221 (Arochlor 1221)
1,2-Dichlorobenzene	Di-n-butyl phthalate	PCB-1232 (Arochlor 1232)
1,3-Dichlorobenzene	Di-n-octyl phthalate	PCB-1248 (Arochlor 1248)
1,4-Dichlorobenzidine	Diethyl phthalate	PCB-1260 (Arochlor 1260)
3,3-Dichlorobenzidine	Dimethyl phthalate	PCB-1016 (Arochlor 1016)
1,1-Dichloroethylene	Benzo(a)Anthracene	Toxaphene
1,2- Trans-dichloroethylene	Benzo(a)pyrene	2,3,7,8-Tetrachlorodibenzo-p-dioxin
2,4-Dichloropropane	Benzo(b)fluoranthene	
1,3-Dichlorophenol	Benzo(k)fluoranthene	
1,2-Dichloropropane	Chrysene	
1,3-Dichloropropylene	Acenaphthylene	
2,4-Dimethylphenol	Anthracene	
2,4-Dinitrotoluene	Benzo(ghi)perylene	
2,6-Dinitrotoluene	Fluorene	
1,2-Diphenylhydrazine	Phenanthrene	
Ethylbenzene	Dibenzo(a,h)anthracene	
Fluoranthene	Indeno(1,2,3-cd)pyrene	
4-Chlorophenyl phenyl ether	Pyrene	
4-Bromophenyl phenyl ether	Tetrachloroethylene	
Bis(2-chloroisopropyl) ether		

Note: Due to the nature of the discharge the TTO limits are not applicable.

Screening size 20 mesh/inch

Maximum Temperature - 150 °F

Gallons per day: 50,000 gpd peak (not to exceed 40gpm). 35,000 gpd average for any given week.

**PART 3 MONITORING AND REPORTING REQUIREMENTS**

1. General Monitoring Requirements

- (a) The Manager may require any permittee to monitor wastewater discharge and to submit monitoring reports to the Manager, at a frequency specified by the Manager. The permittee shall comply with all monitoring requirements specified in this permit or otherwise required, in writing, by the District.
- (b) Flow monitoring and sampling facilities shall comply with all applicable provisions of this permit and ordinance 01-13-2004.
- (c) Laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved test procedures specified in 40CFR136 unless otherwise authorized, in writing, by District staff.
- (d) All samples must be collected, preserved, and analyzed in accordance with the procedures established in 40 CFR Part 136, and amendments.

2. Specific Monitoring Requirements

- (a) From the period beginning on the effective date of the permit, the permittee must monitor outfall 001 for the following parameters, at the indicated frequency:

Sample Parameter (units)	Measurement Location	Frequency	Sample Type
Flow (gpd)	001	Daily <sup>1</sup>	
BOD (mg/L)	001	Monthly	24hr Flow proportional composite
TSS(mg/L)	001	Monthly	24hr Flow proportional composite
Aluminum(mg/L)	001	June, December	24hr Flow proportional composite
Arsenic (mg/L)	001	June, December	24hr Flow proportional composite
Cadmium (mg/L)	001	June, December	24hr Flow proportional composite
Chromium <sup>5</sup> (mg/L)	001	June, December	24hr Flow proportional composite

Malaga County Water District - Non-Residential Water Discharge Permits - Smurfit

Barium (mg/L)		June, December	24hr Flow proportional composite
Boron (mg/L)		June, December	24hr Flow proportional composite
Copper (mg/L)	001	June, December	24hr Flow proportional composite
Iron (mg/L)	001	June, December	24hr Flow proportional composite
Zinc (mg/L)	001	June, December	24hr Flow proportional composite
pH (s.u.)	001	Weekly	Grab
Electroconductivity (µmhos/cm)	001	Continuous	Continuous

(meter)<sup>1</sup>                      <sup>1</sup>Daily flows are to be recorded from the permittee's flow meter.

(grab)                        <sup>3</sup>A single grab sample of daily discharge.

<sup>4</sup>Flow-proportional composite sample over daily duration of discharge.

(b) The sampler shall be maintained in accordance with manufacturer's recommendations, shall be cleaned once per month when in use, and samples shall be maintained at 4.0°C (±2.0°C).

(c) Operate and maintain flowmeter, have it electronically calibrated annually and hydraulically calibrated every three years by a recognized professional in flowmeter testing and repair, and provide proof of calibration to the District prior to July 31 annually.

3. Reporting Requirements

(a) The Manager may require any permittee to submit monitoring reports to the Manager, in a format and at a frequency specified by the Manager. The permittee shall comply with all reporting requirements specified in this permit or otherwise required, in writing, by the District.

TAB 6  
(Violation 1.F)

TAB 6A  
2011 1<sup>st</sup> Quarterly  
Pretreatment Report  
(2 pages total)



MALAGA COUNTY WATER DISTRICT  
3580 SOUTH FRANK STREET – FRESNO CALIFORNIA 93725

CHARLES E. GARABEDIAN JR.  
PRESIDENT

JOHN R. LEYVA  
VICE-PRESIDENT

SALVADOR CERRILLO  
DIRECTOR

IRMA CASTANEDA  
DIRECTOR

FRANK SOTO  
DIRECTOR

RUSS HOLCOOMB – GENERAL MANAGER

May 17, 2011

RECEIVED

MAY 20 2011

RWQCB-CVR  
FRESNO, CALIF.

California Regional Water Quality Control Board  
Attn: Mr. Dale Harvey  
1685 E Street  
Fresno, CA 93706

Re: Malaga County Water District  
2011 First Quarter Pretreatment Report

Dear Mr. Harvey:

This quarterly report is submitted in accordance with Waste Discharge Requirements R5-2008-0033.

MONITORING REPORT REVIEW

Engineer \_\_\_\_\_

Compliance \_\_\_\_\_  
Yes no

Date Reviewed \_\_\_\_\_

Commercial/Industrial Users

Class II

Most of the non-residential wastewater dischargers are warehouse or office commercial enterprises. Those facilities generally include administration staff and possible warehousing of products. Minimal specific monitoring or reporting requirements have been identified for those sites.

Several dischargers have facilities that require grease traps, sediment separators, or oil/water separators as pretreatment improvements. Examples of these facilities include a car wash, truck wash, and a trucking operation. Monitoring and reporting includes inspection of the pretreatment facilities approximately one time per year and reporting of waste hauling activities by the discharger.

Class I

The remaining facilities are industrial in nature and require more comprehensive monitoring and reporting programs. These facilities include a plate glass production plant, biomass cogeneration plant, and oil products processor.

Class I dischargers include:

<u>Dischargers</u>	<u>Permit No.</u>
Smurfit	1001
Air Products and Chemicals, Inc.	1140
PPG Industries	1038
Rio Bravo Fresno	1005
Stratas Foods	1008

Industrial users inconsistently achieving compliance:

Fresno Truck Wash. The District has issued an Administrative Complaint. Fresno Truck Wash has constructed improvements and is in the process of testing the facilities for performance.

Industrial users with significant violations to applicable pretreatment requirements as defined in 40 CFR 403.8 (f) (2) (vii):

Fresno Truck Wash. The District has issued an Administrative Complaint. Fresno Truck Wash has constructed improvements and is in the process of testing the facilities for performance.

Industrial users that complied with a schedule to achieve compliance (include the date final compliance is required):

Fresno Truck Wash. The District has issued an Administrative Complaint. Fresno Truck Wash has constructed improvements and is in the process of testing the facilities for performance.

Industrial users that did not achieve compliance and are not on a compliance schedule:

N/A

Industrial users with an unknown compliance status:

N/A

**TAB 6B**

**Industrial User Sample Results  
(included in 2012-2014 Annual  
Pretreatment Reports)**

**(11 pages total)**



2527 Fresno Street  
 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 08/09/2012

**Analytical Report for Work Order 2H06010**

Analyte	Qual.	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	
<b>Cemex 3427 S. Chestnut Ave. Fresno, CA 93725</b>								<b>Sampled: 08/06/12 08:30 2H06010-01 (Water)</b>			
Turbidity		860	4.0	0.80	NTU	40	T2H0716	08/07/12	08/07/12	EPA 180.1	
Specific Conductance (EC)		9400	1.0	1.0	µS/cm	1	T2H0606	08/07/12	08/07/12	SM2510B	

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.



2527 Fresno Street  
 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Water Department  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 08/29/12 09:18

Peterlrit 4390 S. Bagley Fresno, Ca 93725  
 2H17007-01 (Water)      Sampled:08/17/12 00:00

Analyte	Notes	Result	Reporting		Units	Dilution	Batch	Prepared	Analyzed	Method
			Limit							

**Semi-Volatile Organics**

Total Oil & Grease (HEM)		1400	1.0	mg/L	1	T2H2304	08/23/12	08/28/12	EPA 1664A
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**Notes and Definitions**

- ug/L      micrograms per liter (parts per billion concentration units)
  - mg/kg    milligrams per kilogram (parts per million concentration units)
  - mg/L    milligrams per Liter (parts per million concentration units)
  - ND      Analyte NOT DETECTED at or above the reporting limit
  - RPD     Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.

Moore Twining Associates, Inc.  
 Juliane Adams, Director of Analytical Chemistry

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



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 Fresno, CA 93721  
 (559) 268-7021 Phone  
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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Water Department  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 08/29/12 09:20

Regers Truck 4321 S. Chestnut Fresno, Ca 93725  
 2H17008-01 (Water)      Sampled:08/17/12 00:00

Analyte	Notes	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method
---------	-------	--------	-----------------	-------	----------	-------	----------	----------	--------

**Semi-Volatile Organics**

Total Oil & Grease (HEM)		1100	1.2	mg/L	1	T2H2304	08/23/12	08/28/12	EPA 1664A
--------------------------	--	------	-----	------	---	---------	----------	----------	-----------

**Notes and Definitions**

- ug/L      micrograms per liter (parts per billion concentration units)
- mg/kg    milligrams per kilogram (parts per million concentration units)
- mg/L    milligrams per Liter (parts per million concentration units)
- ND      Analyte NOT DETECTED at or above the reporting limit
- RPD     Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.
- If the test was performed in the laboratory, the hold time was exceeded.

MALAGA COUNTY WATER DISTRICT  
WASTEWATER TREATMENT PLANT  
MONITORING AND REPORTING PROGRAM NO. R5-2008-0033  
Kinder Morgan #1025  
2014

MONTHLY REPORT		Discharge Volume 15,000 gallons/day	Date(s) of Discharge(s)	E.C. 950 umhos/cm max typical**	pH Min 5.5 Max 9.0	BOD 1,000 mg/l	TPH mg/L	TPHg monitor only µg/L	TPHd monitor only µg/L	Log of Solids Removed
specific discharge prohibitions with units										
January		0	--	--	--	--	--	--	--	--
February		3300	6	1400	4.1	8500	5.7	11000	21000	--
		3300	7	--	--	--	--	--	--	--
		3300	8	--	--	--	--	--	--	--
		3500	12	--	--	--	--	--	--	--
		3900	13	--	--	--	--	--	--	--
		4600	27	--	--	--	--	--	--	--
		10510	28	--	--	--	--	--	--	--
March		2490	11	430	4.7	2700	ND (<5)	1400	7700	--
		3000	12	--	--	--	--	--	--	--
		3000	13	--	--	--	--	--	--	--
		3000	14	--	--	--	--	--	--	--
April		2480	30	760	4.1	5800	ND (<5)	2800	13000	--
May		2620	5	750	4.2	5700	ND (<5)	1700	4200	--
		3000	6	--	--	--	--	--	--	--
		3000	7	--	--	--	--	--	--	--
		2900	8	--	--	--	--	--	--	--
June		0	--	--	--	--	--	--	--	--
July		0	--	--	--	--	--	--	--	--
August		0	--	--	--	--	--	--	--	--
September		1800	23	1700	4.1	330	ND (<5)	6400	11000	--
		1800	24	--	--	--	--	--	--	--
		1800	25	--	--	--	--	--	--	--
		1800	26	--	--	--	--	--	--	--
		800	27	--	--	--	--	--	--	--
October										
November										
December										
Annual		65,900								

\*\*4,000 umhos/cm allowed per week for batches that do not exceed 10,000 gallons



2527 Fresno Street  
 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Burt Siverling

Reported:  
 10/14/2014

**Analytical Report for Work Order AI24064**

Analyte	Flag	Result	Reporting Limit	MDL	Units	Dilution	Batch	Analyst	Prepared	Analyzed	Method
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**Fifth Wheel**

Sampled: 09/24/14 10:53 AI24064-01 (Waste Water)

Turbidity		220	0.10	0.020	NTU	1	U4I2506	MVY	9/26/14 10:53	9/26/14 10:53	EPA 180.1
Total Suspended Solids		950	100	28	mg/L	25	U4I2602	MVY	9/26/14 7:57	9/26/14 12:35	SM 2540D
Color (Apparent)		6000	200		Color Units	200	U4I2506	MVY	9/26/14 10:53	9/26/14 10:53	SM2120B
Specific Conductance (EC)		4800	1.0	0.26	µS/cm	1	U4I2619	CMG	9/26/14 17:44	9/26/14 20:21	SM2510B
Biochemical Oxygen Demand		9300	3000	3000	mg/L	3000	U4I2521	CMG	9/25/14 12:56	9/30/14 14:03	SM5210B

**Fifth Wheel**

Sampled: 09/24/14 15:13 AI24064-02 (Waste Water)

Turbidity		330	0.10	0.020	NTU	1	U4I2506	MVY	9/26/14 10:55	9/26/14 10:55	EPA 180.1
Total Suspended Solids		350	40	11	mg/L	10	U4I2602	MVY	9/26/14 7:57	9/26/14 12:35	SM 2540D
Color (Apparent)		1000	200		Color Units	200	U4I2506	MVY	9/26/14 10:55	9/26/14 10:55	SM2120B
Specific Conductance (EC)		1500	1.0	0.26	µS/cm	1	U4I2619	CMG	9/26/14 17:44	9/26/14 20:23	SM2510B
Biochemical Oxygen Demand		880	300	300	mg/L	300	U4I2521	CMG	9/25/14 12:56	9/30/14 14:03	SM5210B

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded. (for aqueous matrices only)



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 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 08/16/2012

**Analytical Report for Work Order 2H03005**

Analyte	Qual	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method
<b>Coca Cola</b>										
								Sampled: 08/03/12 09:00 2H03005-01 (Water)		
Total Oil & Grease (HEM)		2100	9.8	1.6	mg/L	1	T2H1402	08/14/12	08/16/12	EPA 1664A

**Notes and Definitions**

- ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.

**Semi-Volatile Organics - Quality Control**

Analyte	Notes	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	%REC Limits	RPD	RPD Limit
<b>Batch T2H1402 - EPA 1664A</b>										
<b>Blank (T2H1402-BLK1)</b>										
Prepared: 08/14/12 Analyzed: 08/16/12										
Total Oil & Grease (HEM)		ND	1.0	mg/L						
<b>LCS (T2H1402-BS1)</b>										
Prepared: 08/14/12 Analyzed: 08/16/12										
Total Oil & Grease (HEM)		38.4	1.0	mg/L	40.0		96.0	78-114		20
<b>LCS Dup (T2H1402-BSD1)</b>										
Prepared: 08/14/12 Analyzed: 08/16/12										
Total Oil & Grease (HEM)		36.3	1.0	mg/L	40.0		90.8	78-114	5.62	20



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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 05/31/2012

**Analytical Report for the Following Samples**

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Western State Glass	2E25011-01	Water	05/24/12 00:00	05/25/12 12:32

**Analytical Report for Work Order 2E25011**

Analyte	Qual.	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method
<b>Western State Glass</b>										
							Sampled: 05/24/12 00:00 2E25011-01 (Water)			
Turbidity		4200	100	20	NTU	1000	T2E2513	05/25/12	05/25/12	EPA 180.1
Specific Conductance (EC)		1900	1.0	1.0	µS/cm	1	T2E3014	05/30/12	05/30/12	SM2510B

**Notes and Definitions**

- ug/L      micrograms per liter (parts per billion concentration units)
  - mg/L      milligrams per liter (parts per million concentration units)
  - mg/kg     milligrams per kilogram (parts per million concentration units)
  - ND        Analyte NOT DETECTED at or above the reporting limit
  - RPD       Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.



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 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Jesse Alvarez

Reported:  
 03/23/2012

**Analytical Report for Work Order 2C15003**

Analyte	Qual.	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method
<b>Green Tec. 3396 E. Malaga</b>										
Sampled: 03/14/12 16:45 2C15003-01 (Waste Water)										
Turbidity		68	0.10	0.020	NTU	1	T2C1608	03/16/12	03/16/12	EPA 180.1
Specific Conductance (EC)		14000	1.0	1.0	µS/cm	1	T2C1601	03/16/12	03/16/12	SM2510B

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.

Moore Twining Associates, Inc.  
 Juliane Adams, Director of Analytical Chemistry

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



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California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 08/23/2012

**Analytical Report for Work Order 2H20030**

Analyte	Qual.	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method
<b>Fresno Truck Cental, 2727 E. Cental, Fresno, CA 93777</b>							<b>Sampled: 08/20/12 10:00 2H20030-01 (Water)</b>			
Turbidity		180	0.50	0.10	NTU	5	T2H2114	08/21/12	08/21/12	EPA 180.1
Specific Conductance (EC)		6400	1.0	1.0	µS/cm	1	T2H2106	08/21/12	08/21/12	SM2510B

**Notes and Definitions**

- J Detected but below the Reporting Limit; therefore, result is an estimated concentration (CLP J-Flag). Same as DNQ - Detected, but Not Quantified.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field.  
 If the test was performed in the laboratory, the hold time was exceeded.

**Inorganics - Quality Control**

Analyte	Notes	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit
---------	-------	--------	-----------------	-------	-------------	---------------	------	-------------	-----	-----------

**Batch T2H2106 - SM2510B**

<b>LCS (T2H2106-BS1)</b>		Prepared & Analyzed: 08/21/12								
Specific Conductance (EC)		510	1.0	µS/cm	500		102	80-120		20
<b>LCS Dup (T2H2106-BSD1)</b>		Prepared & Analyzed: 08/21/12								
Specific Conductance (EC)		507	1.0	µS/cm	500		101	80-120	0.590	20
<b>Duplicate (T2H2106-DUP1)</b>		Source: 2H20010-02		Prepared & Analyzed: 08/21/12						
Specific Conductance (EC)		1190	1.0	µS/cm		1190			0.0841	20
<b>Duplicate (T2H2106-DUP2)</b>		Source: 2H20030-01		Prepared & Analyzed: 08/21/12						
Specific Conductance (EC)		6570	1.0	µS/cm		6350			3.41	20

**Batch T2H2114 - EPA 180.1**

<b>Blank (T2H2114-BLK1)</b>		Prepared & Analyzed: 08/21/12								
Turbidity	J	0.0700	0.10	NTU						
<b>LCS (T2H2114-BS1)</b>		Prepared & Analyzed: 08/21/12								
Turbidity		9.50	0.10	NTU	10.0		95.0	80-120		20
<b>LCS Dup (T2H2114-BSD1)</b>		Prepared & Analyzed: 08/21/12								
Turbidity		9.47	0.10	NTU	10.0		94.7	80-120	0.316	20
<b>Duplicate (T2H2114-DUP1)</b>		Source: 2H20030-01		Prepared & Analyzed: 08/21/12						
Turbidity		182	0.50	NTU		184			0.819	20



2527 Fresno Street  
 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Water Department  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 08/29/12 09:21

Penske 3080 E. Malaga Fresno, Ca 93725

2H17010-01 (Water)

Sampled: 08/17/12 00:00

Analyte	Notes	Result	Reporting		Units	Dilution	Batch	Prepared	Analyzed	Method
			Limit							

**Semi-Volatile Organics**

Total Oil & Grease (HEM)		210000	10	mg/L	1	T2H2304	08/23/12	08/28/12	EPA 1664A
--------------------------	--	--------	----	------	---	---------	----------	----------	-----------

**Notes and Definitions**

- ug/L      micrograms per liter (parts per billion concentration units)
  - mg/kg     milligrams per kilogram (parts per million concentration units)
  - mg/L      milligrams per Liter (parts per million concentration units)
  - ND        Analyte NOT DETECTED at or above the reporting limit
  - RPD       Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field. If the test was performed in the laboratory, the hold time was exceeded.



2527 Fresno Street  
 Fresno, CA 93721  
 (559) 268-7021 Phone  
 (559) 268-0740 Fax

California ELAP Certificate #1371

Malaga County Water District  
 3580 S. Frank  
 Fresno CA, 93725

Project: Malaga Sewer Plant  
 Project Number: Analytical Services  
 Project Manager: Chris Lopes

Reported:  
 09/27/2012

**Analytical Report for Work Order 2I07041**

Analyte	Qual.	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	
<b>3146 S. Chesnut Fresno CA 93725</b>								<b>Sampled: 09/07/12 16:30 2I07041-01 (Water)</b>			
Turbidity	HT	120	0.30	0.060	NTU	3	T211014	09/10/12	09/10/12	EPA 180.1	
Total Suspended Solids		200	20	5.7	mg/L	5	T211312	09/13/12	09/14/12	SM 2540D	
Specific Conductance (EC)		1300	1.0	1.0	µS/cm	1	T211305	09/13/12	09/13/12	SM2510B	
Biochemical Oxygen Demand		22	10	10	mg/L	10	T210801	09/08/12	09/13/12	SM5210B	

**Notes and Definitions**

- HT This result was analyzed outside of the EPA recommended holding time due to laboratory error.
  - DUP2 RPD for duplicate analysis exceeded limits due to matrix interference.
  - ug/L micrograms per liter (parts per billion concentration units)
  - mg/L milligrams per liter (parts per million concentration units)
  - mg/kg milligrams per kilogram (parts per million concentration units)
  - ND Analyte NOT DETECTED at or above the reporting limit
  - RPD Relative Percent Difference
- Analysis of pH, filtration, and residual chlorine is to take place immediately after sampling in the field. If the test was performed in the laboratory, the hold time was exceeded.

TAB 6C

Administrative Complaint for Fresno  
Truck Wash, pp. 1-5 (included in 2010  
Annual Pretreatment Report)

1 Malaga County Water District  
3580 S. Frank Street  
2 Fresno, CA 93725  
Telephone: (559) 485-7353  
3 Facsimile: (559) 485-7319

4  
5  
6  
7  
8  
9

**MALAGA COUNTY WATER DISTRICT**  
**ADMINISTRATIVE COMPLAINT**

10 In re )  
11 ) Complaint No. 2010-01  
12 FRESNO TRUCK WASH ) ADMINISTRATIVE COMPLAINT  
[Gov't. Code §54740.5]  
13 \_\_\_\_\_ )  
14 ) Hearing Date: January 12, 2011  
Hearing Time: 10:00 a.m.  
Location: Malaga County Water Dist.  
3580 S. Frank Street  
15 Fresno, CA 93725

16 **I. NOTICE**

17 1. NOTICE IS HEREBY GIVEN that an administrative hearing shall be  
18 conducted on January 10, 2011, at the Malaga County Water District office, 3580 S. Frank  
19 Street, Fresno, California 93725, in the Boardroom, at 10:00 a.m. to determine if Fresno  
20 Truck Wash ("FTW") has: 1) had waste water discharges in violation of discharge limits;  
21 2) has failed or refused to comply with a compliance schedule established by the Malaga  
22 County Water District ("MCWD"); and 3) has failed or refused to furnish technical or  
23 monitoring reports. After the hearing, the hearing officer shall issue a statement of  
24 decision. The statement of decision may be issued immediately after the hearing or in  
25 writing to the address of FTW on file with the MCWD or as otherwise requested by FTW  
26 within 30 days after the hearing.

27 2. NOTICE IS FURTHER GIVEN that FTW may waive its right to a hearing by  
28 notifying the MCWD in writing that FTW is waiving its right to a hearing. A waiver of right

1 to hearing form, for convenience, is attached hereto and incorporated by this reference  
2 herein as Exhibit A. If you choose to waive your right to a hearing, the attached form must  
3 be filled out, signed, and delivered to the MCWD on or before the date of the hearing. If  
4 you waive your right to a hearing, the hearing officer shall issue a notice of decision within  
5 30 days of receipt of the hearing waiver.

6 3. NOTICE IS FURTHER GIVEN that if you are dissatisfied with the decision  
7 of the hearing officer, whether or not a hearing was conducted, you may appeal the  
8 decision of the hearing officer to the Board of Directors by giving notice to the secretary of  
9 the Board of Directors, in writing, delivered to the MCWD office located at 3580 S. Frank  
10 Street, Fresno, California 93725. Said notice of appeal must be received on or before the  
11 30<sup>th</sup> day after the date of service of the hearing officer's statement of decision.

12 4. The notice of and statement of decision shall be served by United States  
13 mail, first-class postage prepaid to the address provided on the waiver form and shall be  
14 effective upon being deposited in a sealed envelope with the United States postage  
15 service with postage fully prepaid.

16 **II. ACTS OR FAILURES TO ACT CONSTITUTING A VIOLATION**

17 A. VIOLATION OF MALAGA COUNTY WATER DISTRICT EFFLUENT  
18 DISCHARGE LIMITS. [MCWD ORD. 1-13-2004; MCWD NON-  
RESIDENTIAL WASTE WATER DISCHARGE PERMIT NO. 1095.]

19 5. On or about May 5, 2009, MCWD issued a Notice of Violation ("Notice")  
20 giving FTW notice that it was in violation of MCWD Non-residential Discharge Permit No.  
21 1095 by exceeding multiple waste water discharge limits.

22 6. FTW failed to correct said discharge violations and has continuously violated  
23 said discharge limits. Each day FTW is (or has been) in violation of discharge limits is a  
24 separate violation of MCWD Ordinance 1-13-2004 and MCWD Non-residential Waste  
25 Water Discharge Permit No. 1095.

26 B. FAILING OR REFUSING TO COMPLY WITH COMPLIANCE SCHEDULE.  
27 [MCWD ORD. 1-13-2004; MCWD NON-RESIDENTIAL WASTE WATER  
DISCHARGE PERMIT NO. 1095.]

28 7. Said Notice also required FTW to install a monitoring manhole with a

1 continuous monitoring probe for electroconductivity. The monitoring manhole was also  
2 required to have a portable sampler to sample the discharge. The monitoring manhole and  
3 monitoring devices were to be installed and in use within 45 days of the date of the Notice.

4 8. Said Notice further required FTW to submit an analysis ("Technical Report")  
5 performed by an engineer licensed in the State of California to determine whether the  
6 existing pre-treatment facilities are sufficient to meet current standards.

7 9. FTW did not, within the time to comply, and has not to this date installed a  
8 monitoring manhole as required or provide an analysis of the pre-treatment facilities.

9 C. FAILURE OR REFUSAL TO FURNISH TECHNICAL OR MONITORING  
10 REPORTS. [MCWD ORD. 1-13-2004; MCWD NON-RESIDENTIAL WASTE  
WATER DISCHARGE PERMIT NO. 1095.]

11 10. FTW has failed to monitor its discharge as required by the Notice, Non-  
12 residential Waste Water Discharge Permit No. 1095 Ord. 1-13-2004, and/or applicable  
13 state or federal requirements.

14 11. FTW has failed to provide monitoring reports as required by Non-residential  
15 Waste Water Discharge Permit No. 1095 Ord. 1-13-2004, and/or applicable state or federal  
16 requirements.

### 17 III. PROPOSED PENALTY

18 12. The penalty proposed to be assessed following the aforementioned hearing  
19 for violations of MCWD discharge limits are as follows:

- 20 a. May 5, 2009, pH limit exceeded, penalty - \$5,000;
- 21 b. May 5, 2009, electroconductivity limit exceeded, penalty - \$5,000;
- 22 c. May 5, 2009, oils and greases limit exceeded, penalty - \$5,000;
- 23 d. December 21, 2009, electroconductivity limit exceeded, penalty -  
24 \$5,000;
- 25 e. January 29, 2010, electroconductivity limit exceeded, penalty - \$5,000;
- 26 f. February 26, 2010, electroconductivity limit exceeded, penalty -  
27 \$5,000; and
- 28 g. October 28, 2010, oils and greases limit exceeded, penalty - \$5,000.

1 For a total penalty of \$35,000 for the above-listed effluent discharge violations.

2 13. The maximum of penalties for failure or refusal to comply with the compliance  
3 schedule established by the notice is \$3,000 for each day FTW has failed to comply from  
4 45 days from the date of the notice until December 22, 2010, would be <sup>1</sup> (\$3,000 x 545  
5 days) for a total maximum penalty of \$1,635,000.

6 14. The maximum penalties for failure or refusal to furnish technical or monitoring  
7 reports for the same period of time is \$2,000 per day <sup>2</sup> (\$2,000 x 545 days) for a total of  
8 \$1,090,000.

9 15. The total maximum penalty for failure to comply with the notice and for failure  
10 to monitor is \$2,725,000.

11 16. The District proposes to assess five percent (5%) of the total of the maximum  
12 penalty, or \$136,250.

13  
14 Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Russ Holcomb, General Manager  
Malaga County Water District

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<sup>1</sup>Government Code §54740.5(d)(2).

28

<sup>2</sup>Government Code §54740.5(d)(1).

EXHIBIT A

WAIVER OF HEARING ON ADMINISTRATIVE COMPLAINT

1. Name of Customer: \_\_\_\_\_

2. Name of Representative: \_\_\_\_\_ and

Title: \_\_\_\_\_

3. Address Customer desires notices to be sent:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (name of Customer), pursuant to Government Code §54740.5(b) hereby waives its right to a hearing before the hearing officer for the Malaga County Water District on Administrative Complaint No. \_\_\_\_\_. I understand that by waiving the right to a hearing, a hearing will not be conducted, and the hearing officer for Malaga County Water District shall make a decision. I further understand that if I am dissatisfied with the decision of the hearing officer, I may appeal the decision of the hearing officer to the Board of Directors by giving notice to the Secretary to the Board of Directors, in writing, delivered to the Malaga County Water District office located at 3580 S. Frank Street, Fresno, California 93725, on or before the 30<sup>th</sup> day after the date of service of the hearing officer's statement of decision.

I have read and understand the foregoing waiver and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am a duly authorized representative of the Customer and am authorized to make this waiver.

Dated: \_\_\_\_\_, 20\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

TAB 6D  
2009 3<sup>rd</sup> Quarterly  
Pretreatment Report  
(4 pages total)



# MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO, CALIFORNIA 93725  
PHONE (559) 485-7353 - FAX (559) 485-7319

## BOARD OF DIRECTORS

CHARLES E. GARABEDIAN    JR SALVADOR CERRILLO    IRMA CASTANEDA    FRANK CERRILLO JR.    FRANK SOTO  
PRESIDENT                      VICE PRESIDENT                      DIRECTOR                      DIRECTOR                      DIRECTOR

RUSS HOLCOMB-GENERAL MANAGER

May 2, 2012

California Regional Water Quality Control Board

Attn: Warren Gross  
1685 E Street  
Fresno, CA 93706

Re: Malaga County Water District  
2009 Second Quarter Pretreatment Report

Dear Mr. Gross:

This quarterly report is submitted in accordance with Waste Discharge Requirements R5-2008-0033.

### List of Industrial Users not achieving Compliance

For the purposes of this report, industrial users are described as those users categorized as Class 1A dischargers.

Smurfit-Stone, Air Products, Rio Bravo, PPG, Stratas

**RECEIVED**

MAY 07 2012

Industrial users inconsistency achieving compliance:

N/A

RWQCB-CVR  
FRESNO, CALIF.

Industrial users with significant violations to applicable pretreatment requirements as defined in 40 CFR 403.8 (f) (2) (vii):

N/A

Industrial users that complied with a schedule to achieve compliance (include the date final compliance is required):

N/A

Industrial users that did not achieve compliance and are not on a compliance schedule:

N/A

Industrial users with an unknown compliance status:

N/A

Respectfully,



Russ Holcomb  
District Manager

Enclosures: Number

c: State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105



# MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO, CALIFORNIA 93725  
PHONE (559) 485-7353 - FAX (559) 485-7319

## BOARD OF DIRECTORS

CHARLES E. GARABEDIAN  
PRESIDENT

JR. SALVADOR CERRILLO  
VICE PRESIDENT

IRMA CASTANEDA  
DIRECTOR

FRANK CERRILLO JR.  
DIRECTOR

FRANK SOTO  
DIRECTOR

RUSS HOLCOMB-GENERAL MANAGER

May 2, 2012

California Regional Water Quality Control Board

Attn: Warren Gross

1685 E Street

Fresno, CA 93706

Re: Malaga County Water District  
2009 Third Quarter Pretreatment Report

Dear Mr. Gross:

This quarterly report is submitted in accordance with Waste Discharge Requirements R5-2008-0033.

### List of Industrial Users not achieving Compliance

For the purposes of this report, industrial users are described as those users categorized as Class 1A dischargers.

Smurfit-Stone, Air Products, Rio Bravo, PPG, Stratas

**RECEIVED**

MAY 07 2012

RWQCB-CVR  
FRESNO, CALIF.

Industrial users inconsistency achieving compliance:

N/A

Industrial users with significant violations to applicable pretreatment requirements as defined in 40 CFR 403.8 (f) (2) (vii):

N/A

Industrial users that complied with a schedule to achieve compliance (include the date final compliance is required):

N/A

Industrial users that did not achieve compliance and are not on a compliance schedule:

N/A

Industrial users with an unknown compliance status:

N/A

Respectfully,



Russ Holcomb  
District Manager

c: State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105

TAB 6E

2010 Quarterly Pretreatment Reports

(6 pages total)



# MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO, CALIFORNIA 93725  
PHONE (559) 485-7353 - FAX (559) 485-7319

## BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR. SALVADOR CERRILLO IRMA CASTANEDA FRANK CERRILLO JR. FRANK SOTO  
PRESIDENT VICE PRESIDENT DIRECTOR DIRECTOR DIRECTOR

RUSS HOLCOMB-GENERAL MANAGER

May 2, 2012

California Regional Water Quality Control Board

Attn: Warren Gross

1685 E Street

Fresno, CA 93706

Re: Malaga County Water District  
2010 First Quarter Pretreatment Report

Dear Mr. Gross:

This quarterly report is submitted in accordance with Waste Discharge Requirements R5-2008-0033.

### List of Industrial Users not achieving Compliance

For the purposes of this report, industrial users are described as those users categorized as Class 1 dischargers. (SIU's)

Smurfit-Stone, Air Products, Rio Bravo, PPG, Stratas

Industrial users inconsistently achieving compliance:

N/A

**RECEIVED**

MAY 07 2012

RWQCB-CVR  
FRESNO, CALIF.

Industrial users with significant violations to applicable pretreatment requirements as defined in 40 CFR 403.8 (f) (2) (vii):

N/A

Industrial users that complied with a schedule to achieve compliance (include the date final compliance is required):

N/A

Industrial users that did not achieve compliance and are not on a compliance schedule:

N/A

Industrial users with an unknown compliance status:

N/A

Respectfully,



Russ Holcomb  
District Manager

cc: State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105



WATER & WASTEWATER  
MUNICIPAL INFRASTRUCTURE  
LAND DEVELOPMENT  
AGRICULTURAL SERVICES  
DAIRY SERVICES  
LAND SURVEYING & GIS  
PLANNING & ENVIRONMENTAL  
DISTRICT MANAGEMENT

FRESNO • CLOVIS • VISALIA • BAKERSFIELD

286 W. Cromwell Avenue  
Fresno, CA 93711-6168  
559 449-2700  
FAX 559 449-2715

SEP 20 2010  
FRESNO, CALIF.

September 16, 2010

California Regional Water Quality Control Board  
Attn: Dale Harvey  
1685 E Street  
Fresno, CA 93706

Re: Malaga County Water District  
2010 Second Quarter Pretreatment Report

MONITORING REPORT REVIEW  
Engineer \_\_\_\_\_  
Compliance \_\_\_\_\_ Yes \_\_\_\_\_ no \_\_\_\_\_  
Date Reviewed \_\_\_\_\_

Dear Mr. Harvey:

This quarterly report is submitted in accordance with Waste Discharge Requirements R5-2008-0033.

**List of Industrial Users not achieving Compliance**

For the purposes of this report, industrial users are described as those users categorized as Class 1 dischargers. (SIU's)

Smurfit-Stone, Air Products, Rio Bravo, PPG, Stratas

Industrial users inconsistently achieving compliance:

N/A

Industrial users with significant violations to applicable pretreatment requirements as defined in 40 CFR 403.8 (f) (2) (vii):

N/A

Industrial users that complied with a schedule to achieve compliance (include the date final compliance is required):

N/A

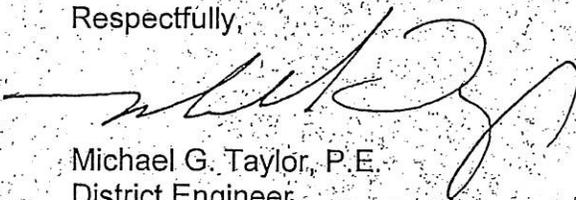
Industrial users that did not achieve compliance and are not on a compliance schedule:

N/A

Industrial users with an unknown compliance status:

N/A

Respectfully,



Michael G. Taylor, P.E.  
District Engineer

MGT/HEB

Malaga County Water District, General Manager

cc: State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105



WATER & WASTEWATER  
MUNICIPAL INFRASTRUCTURE  
LAND DEVELOPMENT  
AGRICULTURAL SERVICES  
DAIRY SERVICES  
LAND SURVEYING & GIS  
PLANNING & ENVIRONMENTAL  
DISTRICT MANAGEMENT

FRESNO • CLOVIS • VISALIA • BAKERSFIELD

2505 Alluvial Avenue  
Clovis, CA 93611-9166  
559 326-1100  
FAX 559 326-1090

NOV 18 2010

FRESNO, CALIF.

November 16, 2010

California Regional Water Quality Control Board  
Attn: Mr. Dale Harvey  
1685 E Street  
Fresno, CA 93706

Re: Malaga County Water District  
2010 Third Quarter Pretreatment Report

MONITORING REPORT REVIEW

Engineer \_\_\_\_\_

Compliance Yes no

Date Reviewed \_\_\_\_\_

Dear Mr. Harvey:

This quarterly report is submitted in accordance with Waste Discharge Requirements R5-2008-0033.

**List of Industrial Users not achieving Compliance**

For the purposes of this report, industrial users are described as those users categorized as Class 1 dischargers. (SIU's)

Smurfit-Stone, Air Products, Rio Bravo, PPG, Stratas

Industrial users inconsistently achieving compliance:

N/A

Industrial users with significant violations to applicable pretreatment requirements as defined in 40 CFR 403.8 (f) (2) (vii):

N/A

Industrial users that complied with a schedule to achieve compliance (include the date final compliance is required):

N/A

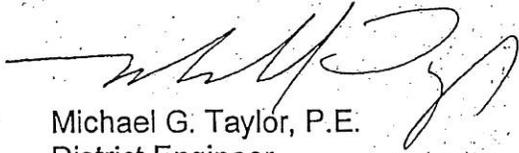
Industrial users that did not achieve compliance and are not on a compliance schedule:

N/A

Industrial users with an unknown compliance status:

N/A

Respectfully,



Michael G. Taylor, P.E.  
District Engineer

cc: Malaga County Water District, General Manager

State Water Resources Control Board  
Division of Water Quality  
PO Box 944213  
Sacramento, CA 9424-2130

Regional Administrator  
US Environmental Protection Agency W-5  
75 Hawthorne Street  
San Francisco, CA 94105

TAB 7  
(Violation 1.G)

TAB 7A  
2014 3<sup>rd</sup> Quarterly  
Pretreatment Report  
(3 pages total)



# MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET FRESNO, CALIFORNIA 93725  
PHONE: 559-485-7353 FAX: 559-485-7319

## BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR. PRESIDENT    SALVADOR CERRILLO VICE-PRESIDENT    IRMA CASTANEDA DIRECTOR    FRANK CERRILLO JR. DIRECTOR    CARLOS TOVAR JR. DIRECTOR

James D. Anderson, General Manager

29 October 2014

Central Valley Regional Water Resources Control Board  
Aide Ortiz, Water Resource Control Engineer  
1685 E Street  
Fresno, Ca 93706

Subject:                    **e-SMR Pretreatment Report for Q3 2014**  
                                  **Order No. R5-2008-0033**  
                                  **NPDES No. CA0084239**

Greetings Aide,

The District is still in the process of re-developing and implementing a better pretreatment program that meets the requirements of EPA regulations, the Clean Water Act and our NPDES permit. We are making substantial progress. In accordance with existing industrial user wastewater discharge permits, there were no compliance violations in the third quarter 2014 for all SIU's.

The District has now identified the following dischargers as SIU's:

Air Products:	Liquid Oxygen Service to PPG
PPG:	Plate Glass Manufacturer
Kinder Morgan:	Petroleum Product Distributor
Rio Bravo:	Biomass Energy Producer
Stratas Foods:	Vegetable Oil Re-Packager
Rock Tenn:	Manufacture of Corrugated Boxes and Direct Printing
Moga Truck Wash:	Commercial Truck Wash
Fresno Truck Wash:	Commercial Truck Wash
Fifth Wheel Truck Wash:	Commercial Truck Wash
Imperial Truck Wash:	Commercial Truck Wash

The District evaluated the potential for EPA designated categorical dischargers, considering Air Products, PPG, and Rock Tenn as potential categorical dischargers. This evaluation was made by the District's Engineer, Brian Shoener on behalf of Provost and Pritchard Engineering, and determined that these nor any other dischargers in the District meet categorical discharger requirements by EPA 403 and 415 standards. Those engineer reports are attached and identified.

The District added four commercial truck washes as SIU's, based upon the potential for their discharge to have significant impact on the WWTF. On 24 September 2014, WWTF staff reported plant influent was foaming due to detergents. An investigation was conducted which determined that Fifth Wheel Truck Wash was discharging wastewater that caused the foaming. Two samples of Fifth Wheel's discharge were collected and sent to Moore Twining Laboratory for analysis of BOD, turbidity, color, Total Suspended Solids, specific conductance (EC), and MBAS. The MBAS test did not meet minimum detection limit QA/QC controls due to expired test reagents and was not reported. The other constituents were reported and are attached and identified. At the time of this incident, the District had not yet designated any truck washes as SIU's. As a result of this incident, facility inspections of all truck washes, and in conjunction with all considerations of the pretreatment program, the District has now identified four commercial truck washes as SIU's. Any subsequent violations of discharge permits by any of the four identified truck washes will be reported as SIU violations.

Enforcement action for the Fifth Wheel Truck Wash discharge resulted in a calculation of surcharges for exceeding standard discharge permit limits, and a "letter of final warning" to all truck wash facilities. The surcharge calculation and letter are attached and identified. The District is making due diligent effort to establish and enforce its Pretreatment Program with industry to gain industry's trust and confidence to comply with the program. We do not want to encourage industry to conceal violations. For that purpose we did not take stronger enforcement action in this case, believing that the surcharge will serve to deter further violations. We have however informed industry of enforcement policy during a recent pretreatment program public workshop, and will use enforcement to mandate compliance.

Kinder Morgan is also now designated as an SIU due to the typical strength of their wastewater discharge. Kinder Morgan stores wastewater and delivers it as a slug discharge. As such, the strength and quantity of discharge is used to develop a slug discharge control plan. Each discharge is handled separately as a slug load. Kinder Morgan notifies the District when they anticipate the need to discharge, and the District develops a plan to accept that load. The slug discharge plan is reviewed by the District Engineer prior to approval. The slug discharge plan for Kinder Morgan's September discharge is attached.

The District visited all industrial users (IU's) in the 3<sup>rd</sup> Quarter 2014 and finished those inspections last week. This report is delayed for that reason to include that information in the report. The main effort of the list was to identify classes of permits for all IU's so that permit renewal notices could be sent out with October's billing. The list of all IU's is attached and identified. All IU discharge permits will be renewed in December.

The District's draft Pretreatment Program was submitted to the CVRWQCB on 26 September 2014 for review. Work is still being done on the program. Monitoring and reporting requirements for individual dischargers need to be determined, and a local limits evaluation needs to be done. Both efforts continue. Monitoring and reporting requirements for IU's requiring such will be finished before the end of this year to be attachments to their new discharge permits. A sampling plan has been developed for local limits and the results of the study are expected to be completed in February 2015.

Other pretreatment program efforts that continue are:

1. Rewrite Significant Industrial User (SIU) permits in accordance with the results of the Local Limits Study.
2. Develop permit conditions for cooling towers that will eliminate the violations of electro-conductivity (EC) at the treatment plant.
3. Develop a truck wash ordinance
4. Conduct a study of the treatment effectiveness of the WWTF in light of new permit requirements.
5. Renew industrial permits
6. Implement Emergency Response Plan

This concludes the pretreatment report for the 3<sup>rd</sup> Quarter of 2014. Please contact me if you have any questions or require any other information related to pretreatment, this report, or any other matter.

I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and validate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Respectfully,

J. D. Anderson  
General Manager

TAB 8  
(Violation 2)

TAB 8A

25 July 2008

Study Evaluating Treatment and  
Disposal Facilities

286 W. Cromwell Avenue  
Fresno, CA 93711-6168  
559 449-2700  
FAX 559 449-2715



WATER & WASTEWATER  
MUNICIPAL INFRASTRUCTURE  
LAND DEVELOPMENT  
AGRICULTURAL SERVICES  
DAIRY SERVICES  
LAND SURVEYING & GIS  
PLANNING & ENVIRONMENTAL  
DISTRICT MANAGEMENT

JUL 28 2008

July 25, 2008

California Regional Water Quality Control Board  
Central Valley Region  
1685 "E" Street  
Fresno, CA 93706-2020

Attention: W. Dale Harvey, P.E., Senior Engineer

Subject: Malaga County Water District (MCWD)  
Order No. R5-2008-0033, NPDES No. CA 0084239  
Treatment and Disposal Capacity Study

Dear Mr. Harvey:

As required, please find attached an evaluation of the Treatment and Disposal Capacity of the facilities as required by Section 3.a. of the Cease and Desist Order.

Please contact me if you have any questions or if you require additional information.

Sincerely,

Michael G. Taylor, P.E.

MGT

Enclosure

cc: Malaga County Water District, Russ Holcomb, General Manager  
Fresno Irrigation District (FID), Lawrence Kimura  
2008 MCWD – RWQCB Correspondence File

Tech Rpt copy

TAB 8B

19 August 2009

Central Valley Water Board  
Memorandum, pp. 1-5



California Regional Water Quality Control Board  
Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental  
Protection

TO: Lonnie M Wass  
Supervising Engineer

FROM: W Dale Harvey  
Senior WRC Engineer  
RCE No. 55628

SIGNATURE:

Debra Bates  
Water Resource Control Engineer

DATE: 19 August 2009

SIGNATURE:

**SUBJECT: STUDY EVALUATING TREATMENT AND DISPOSAL FACILITIES, MALAGA COUNTY WATER DISTRICT, FRESNO COUNTY**

**BACKGROUND**

Malaga County Water District (District) owns and operates a wastewater treatment facility (WWTF) that serves the unincorporated community of Malaga and provides sewerage services to its approximately 1000 residents and various light industries. The WWTF consists of a 1.2 mgd activated sludge secondary treatment system with dissolved air flotation/primary clarification, aeration basins, and three secondary clarifiers, and a tertiary treatment component.

Waste Discharge Requirements Order No. R5-2008-0033 authorizes discharge of up to 0.45 mgd of disinfected tertiary treated wastewater to the Central Canal. The portion of the 1.2 mgd not further treated to tertiary levels is discharged to evaporation/percolation ponds (ponds). Self Monitoring Reports submitted by the District indicate the average monthly influent flow for the first eight months of 2007 was 0.87 mgd, and in September was 1.02 mgd.

Cease and Desist Order (CDO) No. R5-2008-0032, Item 3, requires the District to submit a study evaluating the WWTF treatment and disposal capacity and proposing a work plan and time schedule to implement short-term and long-term measures to meet WWTF treatment and disposal needs through at least 2028. The required technical report is to include actions to generate appropriate population and WWTF flow projections and their rationale.

The CDO cites California Code of Regulations (CCR), Title 23, section 2232 (d), which states that whenever a regional board finds that a publicly owned wastewater treatment plant will reach capacity within four years and that adequate steps are not being taken to address the capacity problem, it shall adopt a time schedule or other enforcement order.

The CDO does not specifically address other sections of CCR, Title 23, section 2232, which state that whenever a regional board finds that a publicly owned wastewater treatment plant will reach capacity within four years, the discharger is required to submit a technical report

California Environmental Protection Agency

showing how flow volumes will be prevented from exceeding existing capacity or how capacity will be increased. The technical report is to include appropriate population and WWTF flow projections and their rationale. Additionally, the technical report is to be reviewed, approved, and jointly submitted by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, and disposal facility; and public participation is required during preparation of the technical report.

On 28 July 2008, Provost and Pritchard Engineering Group (P&P) submitted a technical report entitled "Study Evaluating Treatment and Disposal Facilities" (P&P Report), to fulfill the CDO requirement. Below is a summary of information provided in the P&P Report, followed by our comments.

### Flow Rate and Characteristics

P&P reviewed influent monthly average metered flow rates from 1990 to 2007. The flow rates varied up to 0.2 mgd from month to month and the District was unable to account for the fluctuation in flow. The metered flow rates were discovered to be inaccurate during a facility inspection, as they include grit wash tank recirculation.

The P&P report states the anticipated annual increase in flow for the next 20 years is 0.011 mgd, based on the review of monthly flow rate increases. Table 3, based on this number, projects the 2013 flow rate at 0.926 mgd and the 2028 flow rate to be 1.091 mgd.

Table 2 identifies vacant land use according to zoning type and estimates that the future potential sewage contribution from undeveloped land within the District could be 2.9 mgd. According to minutes from the District board meetings, the District has been annexing property into the District, which would further increase potential sewage contribution.

Information from SMRs for 2008 indicates average monthly influent flows, deducting an estimated 0.1 mgd for the grit wash recirculation, for May through December at 0.909, 0.98, 0.956, 1.12, 0.91, 0.63, 0.90, and 0.87, respectively.

### Treatment Facilities

Based on the projected flow rate discussed above of 1.091 mgd, the P&P Report indicates the barminutor, dissolved air flotation (DAF) clarifier, activated sludge tanks, and sludge digesters have adequate treatment capacity (all units have a design capacity of 1.2 mgd). The DAF clarifier is currently out of service and has been out of service for four years. The submitted timeline indicates the unit will be back in service by January 2009. P&P now indicates the completion date for the DAF repair is 30 September 2009. The total capacity of all three of the secondary clarifiers is given as 1.65 mgd, accounting for redundancy and the ability to meet periodic high influent flow rates. Currently only one secondary clarifier is operational, providing a capacity of 0.823 mgd. The remaining two secondary clarifiers have been out of service for two and twenty years, respectively. The repair completion date for the clarifiers is also 30 September 2009.

The P&P Report indicates the activated sludge tanks have a current capacity of 1.2 mgd. The P&P Report indicates the District was evaluating the existing activated sludge units to improve ammonia treatment and would recommend improvements or modification to the present operation by September 2008. The District is required by WDR Order No. R5-2008-0033 to

conduct a treatment feasibility study for removal of ammonia. A work plan for the treatment feasibility study was due by 14 July 2008 and to date has not been submitted.

According to the P&P Report, the sludge digestion system has a current capacity of 1.2 mgd. The sludge thickener is out of service with repairs scheduled for September 2008, but not yet completed. Sludge bed capacity is not included in the Study. It indicates that soil-cement lining of the third sludge bed is scheduled for 2009. The District indicated on 3 August 2009 that it has obtained funding to line the third bed.

The tertiary treatment system has a reported capacity of 0.45 mgd. Tertiary treated water is discharged to the Fresno Irrigation District. The Fresno Irrigation District has asked the District to find another disposal option, making additional tertiary capacity unnecessary.

### Disposal Facilities

The P&P Report indicates that the District does not currently have adequate disposal capacity. The P&P Report refers to previously submitted water balances which show that an additional 13.26 acres of ponds are needed to accommodate current flow rates. An additional 27.26 acres of ponds would be necessary to accommodate the design capacity of 1.2 mgd, which would be needed if disposal to Fresno Irrigation District is discontinued. Disposal alternatives discussed in the P&P Report include District purchase of additional land for additional disposal ponds and a statement that the District, within 45 days from the date of the P&P Report submittal, would be evaluating options for reclamation for irrigation of landscaping or for agricultural purposes. No additional disposal studies have been submitted by the District to date.

The P&P Report indicates there was a November 2007 contact with Caltrans and Caltrans indicated a willingness to receive treated effluent. The P&P Report does not provide any evidence of follow-up with Caltrans.

The P&P Report contends that agricultural property owners in the vicinity of the treatment plant are not interested in using recycled water. The P&P Report does not include documentation of any proposals made to the property owners regarding water reclamation for irrigation or other evidence to support this conclusion.

The submitted work plan in the P&P Report indicates that within 30 days from the date of the submittal, the District will be conducting additional property research, contacting property owners and considering a moratorium on new connections until additional capacity is secured. The District indicates that within 60 days of the submittal, it will be entering negotiations for purchase or long-term lease of a property for disposal ponds. The District has not submitted any information regarding these negotiations.

### Planning and Department Review

The P&P Report does not provide any indications of involvement by the District's Board of Directors or the planning and building departments having jurisdiction in the area, in preparation of the P&P Report.

## Public Participation

The P&P Report does not provide any indication of public participation in preparation of the P&P Report.

## COMMENTS

### Flow Rate and Characteristics

The P&P Report estimates future flow rate based on several different methods: past flow data, potential use of vacant lands, previous growth rate, etc. The P&P Report also indicates that the District has not identified the cause for periodic high flows and that the current flow is an estimate because of the recirculated flow. P&P's final effluent flow projected for 2028 is 1.091mgd. This projection is below the flow currently reported for some monthly averages in current SMRs. It is far below that necessary to accommodate a flow of an additional 2.9 mgd that would be needed for the projected build-out of vacant property in the District. For these reasons, the flows and projections need to be revised.

### Treatment Facilities

The information provided in the P&P Report appears adequate to address the current permitted flow provided the repairs to out of service components are completed. As of the date of this memorandum, the repairs have not been completed. Recent history indicates the District does not have the resources to properly maintain its WWTF. Expansion beyond 1.2 mgd will require additional treatment capacity. Revision of the flow projection may require revision of short-term and long-term measures for some treatment components.

Soil cement lined sludge beds tend to crack which would lead to the sludge decant percolating to underlying groundwater. The P&P Report needs to demonstrate that soil cement lined sludge beds will be protective of water quality.

### Disposal Facilities

The P&P Report concludes that action to enhance disposal capacity is critical and proposes purchase of acreage to add additional ponds. Before additional acreage is secured, the District needs to consider other disposal options and provide evidence that adding additional disposal ponds is the best alternative. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (Basin Plan) requires dischargers of municipal wastewater to maximize reclamation. In February 2009, the State Water Resources Control Board adopted a recycled water policy including the goals for increasing the use of recycled water. A proposal for recycling water, including all options for agriculture and landscaping, needs to be presented and the District needs to provide evidence that it is infeasible before it pursues other options. Additionally, the Basin Plan notes that proliferation of small treatment plants in developed areas is undesirable and most small communities do not have adequate resources to properly manage, treat, and dispose of wastewater in an urban environment. The Basin Plan encourages treatment plant consolidation as "the rule, rather than the exception." Board Resolution No. R5-2009-0028 *In Support of Regionalization, Reclamation, Recycling and Conservation for Wastewater Treatment Plants*, reiterates the commitment to regionalization.

The District needs to provide a proposal for consolidation with the Fresno-Clovis Regional Wastewater Treatment Facility. Only if consolidation is shown to be infeasible will other options be acceptable.

The District submitted the P&P Report in July 2008. The short-term measures and time schedule regarding land acquisition, pond maintenance, and securing financing should have already occurred and the current status of those measures needs to be updated.

#### Planning and Department Review

Documentation of review and approval by the appropriate agencies needs to be included in a revised report, to comply with CCR Title 23, section 2232.

#### Public Participation

Documentation of public participation in the preparation of the report needs to be included in a revised report, to comply with CCR Title 23, section 2232.

### SUMMARY

The P&P Report needs to be revised to include the following items:

1. Revision of the short-term and long-term flow projections.
2. Revision of the work plan for short-term and long-term expansion of design capacity, based on the projected flow rate that is justified by additional analysis, as discussed above.
3. Reclamation proposals, including documentation of a proposal to Caltrans, and evidence that reclamation is infeasible before other disposal options are pursued.
4. Review consolidation with the Fresno-Clovis Regional Wastewater Treatment Facility.
5. An updated work plan and time schedule for implementation of short-term and long term measures to insure compliance with waste discharge requirements.
6. A demonstration that soil cement lined sludge beds will be protective of groundwater quality.
7. Documentation of review and approval by the District Board of Directors and the planning and building departments having jurisdiction in the area, in accordance with CCR Title 23.
8. Documentation of public participation in the report preparation, in accordance with CCR Title 23.

TAB 8C

24 September 2009

Central Valley Water Board Letter

pp. 1-2



Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

FILE

Mr. Russ Holcomb, General Manager  
Malaga County Water District  
3580 S. Frank St.  
Fresno, CA 93725

24 September 2009

### SPECIAL STUDIES AND TECHNICAL REPORTS, MALAGA COUNTY WATER DISTRICT, WASTEWATER TREATMENT FACILITY, FRESNO COUNTY

We have reviewed the following technical reports and studies submitted by Provost and Pritchard Engineering Group on behalf of Malaga County Water District, to fulfill requirements in Waste Discharge Requirements (WDRs) No. R5-2008-0033 and Cease and Desist Order (CDO) No. R5-2008-0032:

1. *Evaluation of Groundwater Monitoring*, submitted 10 July 2008 and supplemental information submitted 3 November 2008,
2. *Engineering Work Plan for Best Practicable Treatment or Control Study*, submitted on 24 July 2008 and amended on 9 September 2008, and supplemental information submitted on 11 May 2008, and
3. *Study Evaluating Treatment and Disposal Facilities*, submitted 28 July 2008.

The enclosed memorandums, as summarized below, describe why the submitted reports do not fulfill the requirements of the WDRs and CDO and are incomplete.

The *Evaluation of Groundwater Monitoring* needs to be revised to include a proper evaluation of the groundwater gradient and flow direction, a reevaluation of the upgradient monitoring well, an assessment of the Wastewater Treatment Facility's potential impacts to all groundwater designated beneficial uses, and a proposal for modifications to the groundwater network.

The *Work Plan for the Best Practicable Treatment and Control Study* needs to be revised to include assessment of the potential impacts to all beneficial uses and an evaluation of the pretreatment program. It needs to include a demonstration that soil cement lined sludgebeds are protective of underlying groundwater quality. Additionally, the evaluation of treatment components needs to be based on constituents identified in the finalized list.

The *Study Evaluating Treatment and Disposal Facilities* needs to be revised to include reassessment of flow projections and the additional items noted in the memorandum. In particular, the proposed long-term disposal alternatives need to be reevaluated. As described in more detail below, before the District considers additional disposal ponds, it needs to provide evidence demonstrating that consolidation and/or reclamation is economically infeasible.

California Environmental Protection Agency

The technical reports discussed above were included as requirements of the WDRs and CDO based on information in the report of waste discharge and the application for permit renewal submitted by the District in 2003. Since then, there have been significant developments that the District must consider carefully.

On 3 February 2009, the State Water Resource Control Board adopted Resolution No. 2009-0011, a Policy for Water Quality Control for Recycled Water. The purpose of this Policy is to effect an increase in the use of recycled water from municipal wastewater sources.

On 23 April 2009, the Central Valley Regional Water Quality Control Board adopted Resolution No. R5-2009-0028, a Policy in Support of Regionalization, Reclamation, Recycling, and Conservation for Wastewater Treatment Plants. The resolution states that dischargers that own or operate wastewater treatment plants shall provide, upon request, in their Reports of Waste Discharge, a report regarding efforts that have been taken to promote new or expanded wastewater recycling and reclamation opportunities and programs; water conservation measures; and regional wastewater management opportunities and solutions.

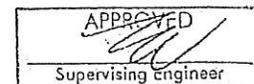
We are concerned the District's ongoing compliance issues demonstrate the District does not have the resources to adequately operate and maintain its WWTF and treat and dispose of its current permitted flow volume. Additionally, the WWTF location is now surrounded by development that is reportedly inhibiting reclamation opportunities. Finally, it is our understanding that the Fresno-Clovis Regional Wastewater Treatment Plant has the capacity to accept the District's flow volume and has a trunk line that terminates at the District boundary.

Given the above, the District needs to include detailed analyses of reclamation and consolidation opportunities in its revised reports. Any options proposed by the District that do not include consolidation with the Fresno-Clovis Regional Wastewater Treatment Plant must provide detailed evidence demonstrating why consolidation is infeasible. If consolidation is infeasible, then the District must provide detailed evidence demonstrating that reclamation of all or a part of its effluent is infeasible before it explores other options. The District must submit a revised report of waste discharge and request to revise its WDRs and CDO if it proposes a change in its disposal methods.

By 27 October 2009, submit revised reports and documentation to satisfy the deficiencies as summarized above and in the enclosed memorandums. This date is for administrative tracking purposes only and does not supersede the dates in the applicable orders.

You may direct any questions regarding this matter to Debra Bates by phone at (559) 445-6281, or by email at [dbates@waterboards.ca.gov](mailto:dbates@waterboards.ca.gov).

  
W Dale Harvey  
Senior WRC Engineer  
RCE No, 55628



Enclosures: Groundwater Monitoring Evaluation  
Review of Engineering Work Plan for Best Practicable Treatment or Control  
Study Evaluating Treatment and Disposal Facilities

cc: Michael G. Taylor, Provost and Pritchard Engineering Group, Fresno

TAB 8D

28 April 2011 Cover Letter

WMB



# MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET – FRESNO CALIFORNIA 93725

## BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR.  
PRESIDENT

JOHN R. LEYVA  
VICE-PRESIDENT

SALVADOR CERRILLO  
DIRECTOR

IRMA CASTANEDA  
DIRECTOR

FRANK SOTO  
DIRECTOR

RUSS HOLCOOMB – GENERAL MANAGER

APR 29 2011

April 28, 2011

California Regional Water Quality Control Board  
Central Valley Region  
1685 "E" Street  
Fresno, CA 93706-2020

Attention: Mr. Warren Gross

Subject: Malaga County Water District (MCWD)  
Order No. R5-2008-0033, NPDES No. CA 0084239  
Cease and Desist Order No. R5-2008-0032  
Technical Report on Short Term Improvements

Dear Mr. Gross:

As required, please find attached a report certifying the completion of Short Term Improvements and a workplan for remaining identified improvements, as required by Section 3.d. of the Cease and Desist Order.

Although the District does not have records of receiving comments or approval from the RWQCB on the Treatment and Disposal Capacity Study submitted July 25, 2008, the District regrets that it did not submit the required report by the deadline of March 14, 2011. This failure to submit was an oversight.

The District requests the RWQCB consider allowing an extension beyond the deadline of March, 2011 for completion of the improvements to the headworks self cleaning screen and the improvements to Clarifier No. 1. As noted in the attached report, the District is in the process of completing design documents for said improvements and has secured funds for the construction.

California Regional Water Quality Control Board  
Warren Gross  
April 28, 2011  
Page 2

Please contact me if you have any questions or if you require additional information.

Sincerely,

  
Russ Holcomb, General Manager

Enclosure

cc: Provost & Pritchard Engineering Group, Michael Taylor  
Costanzo & Associates, Neal Costanzo

TAB 8E

19 August 2013 Central Valley Water  
Board Letter, pp. 1-2



EDMUND G. BROWN JR.,  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## Central Valley Regional Water Quality Control Board

19 August 2013

Russ Holcomb, General Manager  
Malaga County Water District  
3580 South Frank Street  
Fresno, CA 93725

### **DISPOSAL CAPACITY ISSUES, MALAGA COUNTY WATER DISTRICT, MALAGA WASTEWATER TREATMENT FACILITY (NPDES NO. CA0084239), FRESNO COUNTY**

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff is in the process of renewing Waste Discharge Requirements (WDRs) Order R5-2008-0033 (NPDES Permit No. CA0084239). Information provided by the Malaga County Water District (District) regarding disposal capacity issues, as required by subtask 3.a. in Cease and Desist Order (CDO) R5-2008-0032, indicates there are still outstanding disposal capacity issues for which staff requires more information to continue with the permit renewal.

On 28 July 2008, Provost and Pritchard Consulting Group, on behalf of the District, submitted the *Treatment and Disposal Capacity Study* (Study) to fulfill the requirements of subtask 3.a. Central Valley Water Board staff provided a review of the Study by letter and memorandum dated 24 September 2009 and 19 August 2009, respectively. Our records indicate that the District did not submit a revised study addressing Central Valley Water Board staff's concerns, as requested in the review letter. However, on 29 April 2011, the District submitted *Short Term Improvements Implementation Report* (Report), which summarized short-term improvements completed as part of the Study. The Report included a list of improvements made to treatment components that had been out of service for many years. The Report also included a list of items the District completed to address disposal capacity issues. These include maintenance of three disposal ponds to increase percolation rates, adoption of a moratorium on new or expanding sewer connections until disposal capacity is expanded, and initiation of discussions with City of Fresno regarding consolidation of sewer treatment and disposal. The District also indicated that it contacted property owners and companies to determine if they were willing to sell their property or accept treated effluent for recycling/reclamation, but none were willing to do so.

The 28 July 2008 report indicated that Fresno Irrigation District requested the District to eliminate its discharge to Central Canal, which puts the District at increased risk of reaching and exceeding pond disposal capacity. Assuming the discharge to the Canal will no longer be available, the information provided by the District indicates that the Facility does not have enough disposal capacity to handle current influent flows.

---

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON-P.E., BCEE, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

By **3 October 2013**, provide the following information, which is necessary to allow Central Valley Water Board staff to determine appropriate requirements for inclusion in the NPDES permit renewal:

1. Address whether the discharge to Central Canal will cease, as requested by Fresno Irrigation District. If it will, provide a time schedule for eliminating discharge to the Canal.
2. An estimate of the disposal capacity of the on-site ponds after pond maintenance was performed in 2008 and thereafter. Additionally, include a list of which ponds were maintained.
3. Revised influent flow projections based on influent flow data collected after the District began metering grit return flows and after the moratorium was adopted. If the District has established new or expanded sewer connections since the moratorium was adopted, it shall include the flows from those connections in its revised flow projections.
4. Status of land acquisition for additional disposal ponds, including a list of action items completed and dates they were completed.
5. Status of alternative disposal measures the District has looked into, including a list of action items completed and dates they were completed.

To the extent the above information was required by the CDO, the due date in this letter does not extend or supersede due dates in the CDO and is for administrative tracking purposes only. This letter does not relieve the District from submitting information requested in previous letters or required by the CDO that has not been submitted.

If you have any questions regarding this matter, please contact Aide Ortiz at (559) 445-6083 or at [aortiz@waterboards.ca.gov](mailto:aortiz@waterboards.ca.gov).



MATTHEW S. SCROGGINS  
Senior Engineer  
RCE No. 67491

cc: Charles Garabedian Jr., 3580 S. Frank St., Fresno, CA 93725

TAB 8F

10 October 2013

Record of Communication

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD**

**RECORD OF COMMUNICATION**

Phone Call       Other (specify): \_\_\_\_\_  
 Meeting

PARTIES

Charles Garabedian  
Malaga County Water District

\*Matt Scroggins, Aide Ortiz  
RWQCB

DATE: 10 October 2013

TIME: ~1330

\* Party Initiating Communication

SUBJECT: Regarding the District's response to 19 August 2013  
*Disposal Capacity Issues* letter

FILE: R5-2008-0033

SUMMARY OF COMMUNICATION:

We contacted Mr. Garabedian to request an update on the District's response to our letter dated 19 August 2013 regarding the disposal capacity issues at the wastewater treatment facility. The letter requested the District provide certain information by 3 October 2013. As of 10 October, the District had not contacted our office either requesting an extension or providing an update, and a check of their meeting minutes posted on their website did not show any acknowledgement of ever receiving the letter. Mr. Garabedian informed us that the District's contract engineer, Mr. Michael Taylor from Provost & Pritchard, prepared a memorandum for Mr. Russ Holcomb, the District's general manager. Mr. Garabedian also informed us that he spoke with Gary Serrato at the Fresno Irrigation District regarding item #1 in the letter. According to Mr. Garabedian, Fresno Irrigation District would like to continue accepting the District's tertiary-treated effluent but only during irrigation season, and he indicated that the discharge to the Central Canal will not cease. Mr. Garabedian also indicated that Mr. Taylor's memorandum answered items #2-5 in the letter, and offered to email us a copy of the memorandum. We asked Mr. Garabedian if this memorandum would be the District's official response, to which Mr. Garabedian said no. We requested that the District provide an official response, such as a cover letter to the memorandum, or a separate letter addressing all the items our August letter. Mr. Garabedian indicated that the District does not have funds to proceed with upgrades to address the disposal capacity issues and that the District recently acquired new property, which he indicated is not enough. We informed Mr. Garabedian that if the District cannot show that they have adequate disposal capacity, we may have to reduce flow limits. Mr. Garabedian expressed that he does not want to stop development in the area, and mentioned that it is difficult to obtain funding. We informed Mr. Garabedian that the August letter is not requesting that the District have adequate disposal capacity by a specific date, but rather is requesting information on whether or not the District did, or did not do, things it said it was going to do. We informed Mr. Garabedian that if the District does not provide a prompt response, we may have to issue a 13267 Order, and that the purpose of the August letter was to request information in a friendly manner.

CONCLUSIONS, ACTION TAKEN OR REQUIRED:

Mr. Garabedian sent Mr. Taylor's memorandum, which only addresses one item we requested for information, and is primarily a request for the District to provide information to Provost & Pritchard.

REVIEWED BY:

*[Handwritten signatures]*

WRITTEN BY:

Aide Ortiz  
*AMO*

TAB 8G

10 October 2013

email from Discharger with  
23 September 2010 Memorandum  
(4 pages total)

**Ortiz, Aide@Waterboards**

---

**From:** Garabedian Jr, Charles E@DOT  
**Sent:** Thursday, October 10, 2013 1:52 PM  
**To:** Scroggins, Matt@Waterboards  
**Cc:** Ortiz, Aide@Waterboards  
**Subject:** Malaga County Water District  
**Attachments:** AR-M455N\_20131010\_015015.pdf

13A1.



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**MEMORANDUM**

To: Malaga County Water District  
From: Michael Taylor  
Subject: Correspondence from the Regional Water Quality Control Board dated August 19, 2013  
Date: September 23, 2013

The correspondence requests the specific information listed below. A response is due to the Regional Water Quality Control Board by October 3, 2013.

- 1. Address whether the discharge to Central Canal will cease, as requested by Fresno Irrigation District. If it will, provide a time schedule for eliminating discharge to the Canal.

To my understanding, discharge to the Central Canal is intended to continue, however, the Malaga County Water District attempts to discharge during the Fresno Irrigation District water run. I am not aware of any recent communications from the Fresno Irrigation District on the issue. The District had investigated the potential of property acquisition for the purpose of constructing disposal ponds near Maple Avenue south of Central Avenue.

I was made aware last week that the District had acquired a parcel of approximately 4 acres. Please forward the information regarding the District's acquisition of property so that I can incorporate the information with future evaluations of disposal capacity.

It is recommended that the District contact the Fresno Irrigation District to discuss the issue and determine the Fresno Irrigation District perspective on the subject.

- 2. An estimate of the disposal capacity of the on-site ponds after pond maintenance was performed in 2008 and thereafter. Additionally, include a list of which ponds were maintained.

Please provide an updated list of which ponds have been scraped and ripped. I was recently at the WWTP and noticed that Pond 6 had been scraped. It is understood that it had not been ripped yet.

The best method to determine disposal capacity is to monitor ponds periodically for drawdown when there is no inflow or outflow from the ponds. It is suggested that District staff isolate a pond so that we can assist in determining the actual percolation rate from the pond.

I will review the recent annual reports to see if there is information that will supplement the disposal capacity estimate.

3. Revised influent flow projections based on influent flow data collected after the District began metering grit return flows and after the moratorium was adopted. If the District has established new or expanded sewer connections since the moratorium was adopted, it shall include the flows from those connections in its revised flow projections.

Please find attached a summary of recent and projected flow data for the WWTP, assuming a 2 percent growth rate, which greatly exceeds recent trends at the WWTP.

4. Status of land acquisition for additional disposal ponds, including a list of action items completed and dates they were completed.

I was made aware last week that the District had acquired a parcel of approximately 4 acres. Please forward the information regarding the District's acquisition of property so that I can incorporate the information with future evaluations of disposal capacity.

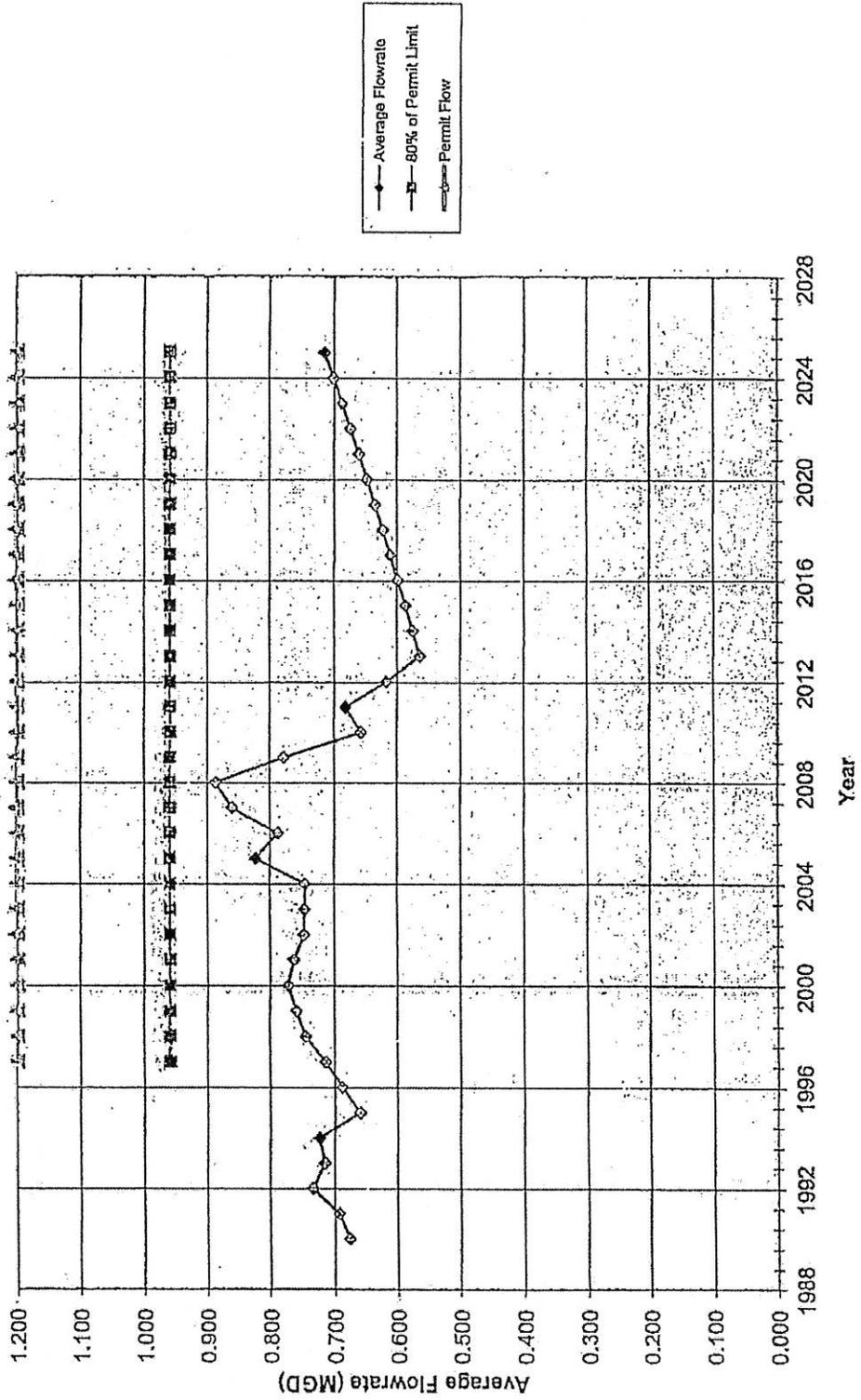
I am not aware of any actions the District has been able to take regarding property acquisition.

5. Status of alternative disposal measures the District has looked into, including a list of action items completed and dates they were completed.

I am not aware of any actions the District has been able to take regarding alternative disposal measures.

It is suggested the District may want to meet to discuss alternatives regarding disposal measures.

**Malaga County Water District  
Wastewater Treatment Plant Flowrates**



TAB 8H

21 October 2013

Central Valley Water Board email

## Ortiz, Aide@Waterboards

---

**From:** Ortiz, Aide@Waterboards  
**Sent:** Monday, October 21, 2013 12:57 PM  
**To:** Holcomb, Russ (rholcomb@malagacwd.org)  
**Subject:** Disposal Capacity Issues

Good Afternoon Russ,

On 19 August 2013, our office sent the Malaga County Water District a letter inquiring about the status of the wastewater treatment facility's disposal capacity issues. The letter requested certain information to help us in renewing the NPDES permit and possibly assessing compliance with the Cease and Desist Order. A response was due on 3 October 2013. By 10 October, we had not received any communication from the District regarding the letter. Matt Scroggins and I communicated with Charles Garabedian by telephone to ascertain whether the District had received the letter and if it planned on responding. According to Mr. Garabedian, Michael Taylor prepared a memorandum that answered items 2-5 in our letter. We asked Mr. Garabedian that the District send something in writing to our office that addressed all five items in the letter, and if the District wished to attach Mr. Taylor's memorandum that it include a statement indicating it agreed with the items in the memorandum. As of yet, we have not received anything. As it stands now, the information in the case file indicates the District does not have enough disposal capacity and that the Fresno Irrigation District wants the Malaga County Water District to cease discharge to the Canal. It's our understanding this may no longer be the case, but we have not received written confirmation from the Malaga County Water District indicating so.

Generally, when we renew NPDES permits we use all information available to develop new requirements. If the District wishes to update its case file with new information prior to permit renewal, it is imperative that the information requested in our 19 August 2013 letter be submitted as soon as possible given the NPDES permit renewal process is in the preliminary stages.

Please contact me so we may discuss the District's response to our letter, as well as Mr. Taylor's memorandum.

Thank you,  
-Aide

Aidé Ortiz, PE  
Water Resource Control Engineer  
Central Valley Water Board – Fresno  
1685 "E" Street  
Fresno, CA 93706  
Phone: (559) 445-6083  
Fax: (559) 445-5910

TAB 8I

29 October 2013

email from Discharger with response

(17 pages total)

**Ortiz, Aide@Waterboards**

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**From:** Russ Holcomb <rholcomb@malagacwd.org>  
**Sent:** Tuesday, October 29, 2013 5:53 PM  
**To:** Scroggins, Matt@Waterboards  
**Cc:** Ortiz, Aide@Waterboards; Garabedian Jr, Charles E@DOT; 'Michael Taylor'; 'Neal Costanzo'; 'Michael G Slater'  
**Subject:** FW: Response Letter to Matthew S. Scroggins, Senior Engineer - Malaga County Water District Wastewater Treatment Facility (MPDES No. CA0084239) 08/19/2012 - Disposal Capacity  
**Attachments:** 20131029162729893.pdf

DATE: October 29, 2013  
TO: Mr. Matthew S. Scroggins, Senior Engineer, CVRWQCB  
FROM: Russ Holcomb, General Manager, MCWD  
Re: Malaga County Water District WWTF (MPDES No. CA0084239)

Mr. Scoggins:

Attached is the electronic copy of the MCWD Response to the 08/09/2013 letter related to the MCWD WWTF Disposal Capacity. The hard copy will be hand delivered to your office tomorrow, Wednesday, 10/30/2013. We are sorry for the delay in getting this response to you! Additional information will be sent to you when it becomes available.

Thanks, Russ Holcomb, GM



## MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET - FRESNO, CALIFORNIA 93725  
PHONE (559) 485-7353 - FAX (559) 485-7319

### BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR.  
PRESIDENT

SALVADOR CERRILLO  
VICE PRESIDENT

IRMA CASTANEDA  
DIRECTOR

FRANK CERRILLO JR.  
DIRECTOR

FRANK SOTO  
DIRECTOR

RUSS HOLCOMB-GENERAL MANAGER

October 29, 2013

**E-MAILED & HAND DELIVERED:** Russ Holcomb, GM

Matthew S. Scroggins, Senior Engineer  
Central Valley Regional Water Quality Control Board  
1685 E. Street  
Fresno, CA 93706-2007

**Re: Malaga County Water District Wastewater Treatment Facility  
(MPDES No. CA0084239)**

Dear Mr. Scroggins:

This letter is in response to your August 19, 2013, letter regarding issues related to Malaga County Water District's ("Malaga" or the "District") disposal capacity. Below are responses to your five requests for information which the District anticipates may be changed or amended as the District continues to research the issues, analyze additional facts, and takes action to address said issues and will, as necessary, change, supplement, or add to the responses contained below.

1. Address whether the discharge to Central Canal will cease, as required by Fresno Irrigation District. If it will, provide a time-line schedule for eliminating discharge to the canal.

**Response:** The February 11, 2008, letter to Malaga from Fresno Irrigation District ("FID") referred to in your August 19, 2013; letter to Malaga does not require or request that Malaga cease all discharge into FID canals. In fact, the letter affirms that Malaga's discharge is beneficial to FID. What the letter requests is that FID and Malaga address FID concerns that, at specific times, the discharge from Malaga interferes with FID maintenance operations. Since the 2008 letter, Malaga and FID, through a series of meetings, have agreed that Malaga will continue beneficial discharge into FID canals but will not discharge in a manner that interferes with FID maintenance operations thereby resolving the issue addressed in the 2008 letter. (Attachment 1).

2. An estimate of the disposal capacity of the on-site ponds after pond maintenance was performed in 2008 and thereafter. Additionally, include a list of which ponds were maintained.

**Response:** Attached as Exhibit A to this letter please find a summary table of the estimated disposal capacity of the existing disposal ponds without discharge into the Central Canal. The District is well positioned for pond storage for the winter (2013-2014)

**Response Continued:** as two ponds were dry in September of 2013. The District's disposal capacity, as set forth in Exhibit A, is estimated to be 669,500 gallons per day. This estimate is based on an estimated percolation capacity of 1.00 inches per day. The District is currently in the process of reviewing pond maintenance information and anticipates providing the CVRWQCB with a summary report of pond maintenance performed between 2008 and 2013. Additionally, the District is in the planning process to develop a schedule to isolate one or more ponds to confirm and monitor percolation capacity. The District will provide the CVRWQCB with follow-up reports as the capacity tests are performed.

3. Revised influent flow projects based on influent flow data collected after the District began metering grit return flows and after the moratorium was adopted. The District has now established new or expanded sewer connections since the moratorium was adopted, it shall include the flows from those connections in its revised flow projections.

**Response:** A summary of recent and projected flow data for the District's WWTP is attached hereto as Exhibit B. The data assumes a two percent growth rate, which greatly exceeds recent trends at the wastewater treatment plant.

4. Status of land acquisition for additional disposal ponds, including a list of action items completed and dates when they were completed.

**Response:** On August 22, 2012, the District purchased plus or minus four acres of land to develop new percolation ponds. The District is currently in the process of obtaining financing to develop said percolation ponds. The deed for the property, which was recorded on August 24, 2012, is attached hereto as Exhibit C.

5. Status of alternative disposal measures the District has looked into; including a list of action items completed and dates they were completed.

**Response:** The District considered a number of alternative disposal measures and after such consideration, determined that the most feasible way to increase disposal capacity at this time is to pursue the development/expansion of percolation ponds. Although the District continues to look for alternative disposal measures, the District currently is directing its resources and planning toward the expansion of ponds as evidenced by the purchase of the property described in Item 4. The District will update the CVRWQCB as it develops plans for alternative disposal measures.

As stated above, the District will provide the CVRWQCB with updated information as it becomes available.

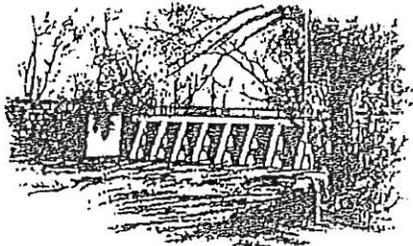
Matthew S. Scroggins, Senior Engineer  
October 29, 2009  
Page 3

If you have any questions regarding this matter, please contact the District.

MALAGA COUNTY WATER DISTRICT

Dated: 10/29/2013 By: *Russ Holcomb*  
Russ Holcomb, General Manager

cc: Charles Garabedian, Jr., President  
of the Board of Directors  
Michael Taylor, District Engineer  
Neal E. Costanzo, Esq.

MCW  
400.90

YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
 IRRIGATION DISTRICT

TELEPHONE (559) 233-7161  
 FAX (559) 233-8227  
 2907 S. MAPLE AVENUE  
 FRESNO, CALIFORNIA 93725-2218

FEB 13 2008

February 11, 2008

Mr. Michael Taylor  
 Provost & Pritchard Engineering Group, Inc.  
 286 W. Cromwell Ave.  
 Fresno, CA 93711

Re: Discharge from the Malaga County Water District Wastewater Treatment Facility

Dear Michael:

Thank you for the opportunity to meet with you and Charles Garabedian last Wednesday, February 6, 2008 to discuss the discharge from the Malaga County Water District's (MCWD) wastewater treatment facility (WWTF) to the Central Canal. Both Gary Serrato and I appreciate you and Mr. Garabedian making yourselves available.

As we discussed, the Fresno Irrigation District (FID) would like the MCWD to work towards eliminating the discharge to the Central Canal. While the discharge from the WWTF adds to our water supply, the discharge can be a significant nuisance. Some of our maintenance activities require the Canal to be dried out. This is currently not possible with your discharge. It is our understanding that the discharge from the WWTF to the Central Canal cannot be reduced or terminated currently without significant impacts to MCWD's operations. MCWD relies heavily, or almost exclusively, on this discharge to balance the system and avoid capacity issues. There may be periods when FID can continue to receive the water, however there are also periods when the discharges must be ceased.

It is FID's desire to have MCWD become self-sufficient in its operations without the discharge to the Central Canal or to develop other alternatives for discharge other than to FID. It is our understanding from our meeting that this would be an opportune time to address FID's issue because of the planning and implementation that MCWD must do to comply with the new permitting requirements of the Regional Water Quality Control Board. You also noted that it would be helpful to us if we reviewed MCWD's planning and implementation schedule to address the permitting requirements. We look forward to receiving from you the information showing us where on the schedule the discharge issue could potentially be addressed.

BOARD OF DIRECTORS  
 President JEFFREY G. BOSWELL, Vice-President JEFF NEELY  
 EDDIE NIEDERFRANK, STEVE BALLS, TOM E. STEFFEN, General Manager GARY R. SERRATO

Mr. Michael Taylor, P&P  
Malaga County WD WWTF Discharge  
February 11, 2008  
Page 2 of 2

As we noted, we hope the discharge issue can be addressed within the next three to five years or sooner. Should you have any questions in regard to the subject matter, please do not hesitate to call me at (559) 233-07161, ext. 303.

Sincerely,



Laurence Kimura  
Assistant General Manager

cc: Gary R. Serrato, Fresno Irrigation District  
Russ Holcomb, Malaga County Water District

EXHIBIT

**Malaga County Water District  
Wastewater Treatment & Disposal Facilities  
Estimated Capacity Wastewater Disposal - 100 Year Rainfall Water Balance, Discharge and Storage**

**WWTP POND CALCULATIONS:**

Month	Number of Days per Month	100 Yr. Rainfall <sup>19</sup> (in/month)	100 Yr. Evaporation <sup>20</sup> (in/month)	Discharge to Canal	0	MCD	Effluent Produced (gal/month)	Effluent To Canal (gal/month)	Effluent to Ponds <sup>21</sup> (gal/month)	Surface Rainfall <sup>19</sup> (gal/month)	Surface Evaporation <sup>20</sup> (gal/month)	Pond Percolation <sup>21</sup> (gal/month)	Monthly Change in Storage <sup>22</sup> (gal/month)	Required Storage <sup>23</sup> (gal)
January	31	5.14	0.20	Daily Effluent Production <sup>24</sup> = 23,273 gpd	23,273	gpd	18,748,000	0	20,754,500	3,243,077	607,038	19,863,033	3,887,183	8,164,111
February	28	3.70	1.60	Pond Storage = 1,225 ac-ft	1,225	ac-ft	20,764,500	0	20,764,500	2,639,727	4,318,027	18,603,030	2,485,740	10,643,660
March	31	4.63	2.00	Pond Percolation Rate = 1.00 in/day	1.00	in/day	20,085,000	0	20,085,000	1,741,741	2,341,264	18,931,800	633,618	13,928,643
April	30	2.70	3.71	Additional Pond Wet Area = 0.5 ac-ft	0.5	ac-ft	20,764,500	0	20,764,500	1,851,851	3,918,918	19,563,033	(2,721,142)	11,207,500
May	31	0.01	6.21	Additional Pond Percolation Rate = 1.50 in/day	1.50	in/day	20,085,000	0	20,085,000	0	5,130,874	19,563,033	(3,945,409)	4,287,033
June	30	0.31	6.25	Estimated Pond Percolation Rate = 1.50 in/day	1.50	in/day	20,764,500	0	20,764,500	894,172	2,653,397	18,031,800	(1,100,164)	0
July	31	0.00	6.24	Total Storage = 133.3 ac-ft	133.3	ac-ft	20,085,000	0	20,085,000	997,084	1,849,803	18,663,035	235,550	238,450
August	31	1.10	4.03	Total Storage = 133.3 ac-ft	133.3	ac-ft	20,764,500	0	20,764,500	1,994,187	767,270	18,931,800	2,389,810	2,628,476
September	30	1.50	3.09	Total Storage = 133.3 ac-ft	133.3	ac-ft	20,085,000	0	20,085,000	1,003,084	630,400	19,563,033	1,059,453	4,386,920
October	31	3.10	1.20	Total Storage = 133.3 ac-ft	133.3	ac-ft	20,764,500	0	20,764,500	0	0	19,563,033	1,199,467	0
November	30	1.70	0.55	Total Storage = 133.3 ac-ft	133.3	ac-ft	20,085,000	0	20,085,000	0	0	19,563,033	500,000	0
December	31	1.50	46.17	Total Storage = 133.3 ac-ft	133.3	ac-ft	20,764,500	0	20,764,500	0	0	19,563,033	1,199,467	0
<b>Total</b>	<b>365</b>	<b>23.86</b>	<b>46.17</b>	<b>Total Area = 23.2 acres</b>	<b>23.2</b>	<b>acres</b>	<b>749.9</b>	<b>0.0</b>	<b>749.9</b>	<b>749.9</b>	<b>45.2</b>	<b>766.9</b>	<b>-37,915</b>	<b>13,028,643</b>

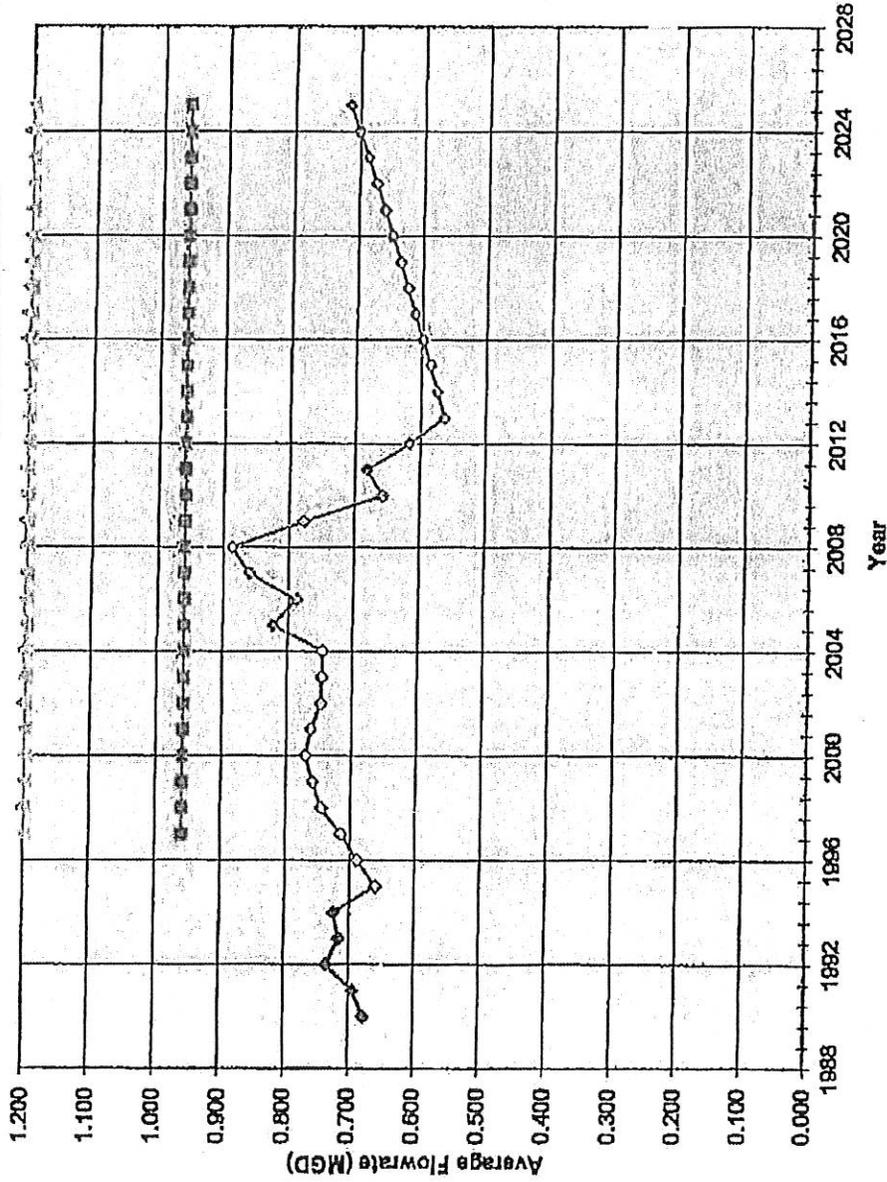
19 Rainfall Data per the Western Regional Climate Center.  
 20 Evaporation rate per WRCR 10.75  
 21 Design Capacity Effluent Production  
 22 Total wetting volume of the existing deposit.  
 23 Surface Rainfall = Volume of 100 Year rainfall on the existing WWTP treatment and storage ponds and proposed storage ponds.  
 24 Surface Evaporation = Volume of effluent and rain water evaporating from the existing WWTP treatment and disposal ponds.  
 25 Pond Percolation = Volume of effluent and rain water percolating into the ground for existing ponds 1 through 5-year proposed additional ponds.  
 26 Required Storage = Theoretical storage point Sept. 1st where pond storage turns at zero with monthly contribution.  
 27 Maximum Storage needed = Peak and 6 month pond storage volume needed (Ponds 1 & 20-21)  
 28 Storage Available from all ponds = Total volume of available storage.  
 29 Check Balance = Comparison of the value with 16.

Maximum Required Storage	13,028,643
Total Storage Available	60,692,262
Extra Storage	44,833,881
Total Effluent Production <sup>24</sup>	244,357,500 gpd
Total Effluent Expected <sup>25</sup>	0 gpd
Total Surface Rainfall <sup>19</sup>	18,009,849 gal
Total Evaporation <sup>20</sup>	22,134,002 gal
Total Percolation <sup>21</sup>	230,333,659 gal
Effluent Applied to Crop <sup>26</sup>	0 gpd
Check Balance <sup>29</sup>	244,400,415 gal





Malaga County Water District  
Wastewater Treatment Plant Flowrates



4335 S. Maple

RECORDING REQUESTED BY:  
Chicago Title Company  
Escrow No.: 12-45039505-CRF  
Locate No.: CACT17710-7710-4450-0045039505  
Title No.: 12-45039505-CU

When Recorded Mail Document  
and Tax Statement To:  
Malaga County Water District  
3580 S. Frank Street  
Fresno, CA. 93725

FRESNO County Recorder  
Paul Dicos, C.P.A.  
DOC-  
2012-0119446-00  
Acct 1002-Chicago Title Ins Co ER  
Friday, AUG 24, 2012 13:31:34  
Til Pd \$0.00 Nbr-0003726188  
JZG/R3/1-3

APN: 330-031-11

SPACE ABOVE THIS LINE FOR RECORDER'S  
USE

GRANT DEED

The undersigned grantor(s) declare(s)  
Documentary transfer tax is \$ exempt pursuant to section 27383 of the gov't. code  
[ X ] computed on full value of property conveyed, or  
[ ] computed on full value less value of liens or encumbrances remaining at time of sale,  
[ ] Unincorporated Area (X) city of Fresno

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Marie Sargent, a single woman

hereby GRANT(S) to Malaga County Water District  
the following described real property in the city of <sup>fresno</sup> County of Fresno, State of California:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: August 22, 2012

State of California }  
County of Fresno

Marie Sargent  
Marie Sargent

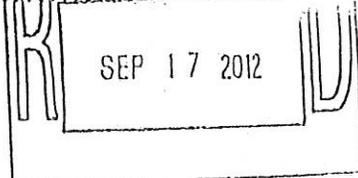
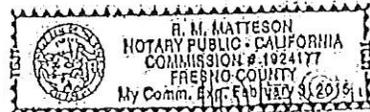
On 8-23-12 before me,  
R. M. Matteson, Notary Public  
(here insert name and title of the officer), personally appeared  
Marie Sargent

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



MAIL TAX STATEMENTS AS DIRECTED ABOVE

**RECORDING REQUESTED BY:**

Chicago Title Company  
Escrow No.: 12-45039505-CRF  
Locate No.: CACT17710-7710-4450-0045039505  
Title No.: 12-45039505-CU

**When Recorded Mail Document  
and Tax Statement To:**

Malaga County Water District  
3580 S. Frank Street  
Fresno, CA. 93725

This Document Was  
Recorded Electronically

APN: 330-031-11

SPACE ABOVE THIS LINE FOR RECORDER'S  
USE

**GRANT DEED**

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Documentary transfer tax is \$ exempt pursuant to section 27383 of the govern. code  
[ X ] computed on full value of property conveyed, or  
[ ] computed on full value less value of liens or encumbrances remaining at time of sale,  
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SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: August 22, 2012

State of California }  
County of Fresno }

Marie Sargent  
Marie Sargent

On 8-23-12 before me,  
N. M. Matteson, Notary Public  
(here insert name and title of the officer), personally appeared  
Marie Sargent

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

Escrow No.: 12-45039505-CRF  
Locate No.: CACTI7710-7710-4450-0045039505  
Title No.: 12-45039505-CU

## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

The South 650 feet of the East 335.10 feet of Lot 92 of Malaga Tract, In the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 2 Page 17 of Plats, In the office of the County Recorder of said County

APN: 330-031-11

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Malaga County Water District  
c/o Costanzo & Associates  
A Professional Corporation  
575 E. Locust Avenue, Suite 115  
Fresno, CA 93720

---

CERTIFICATE OF ACCEPTANCE

---

I, the undersigned, do hereby certify and declare that I am the President of the Board of Directors, duly qualified and acting as such, as of the date hereof, of the Malaga County Water District and am authorized to execute this Certificate of Acceptance pursuant to the authority duly conferred by the Board of Directors of the Malaga County Water District on August 22, 2012.

The Malaga County Water District hereby accepts transfer by Grant Deed of the real property from Marie Sargenti, a single woman, more particularly described as follows:

THE SOUTH 650 FEET OF THE EAST 335.10 FEET OF LOT 92 OF MALAGA TRACT, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2 PAGE 17 OF PLATS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 330-031-11

MALAGA COUNTY WATER DISTRICT

Dated: 8/23, 2012

By: Charles Garabedian, Jr.  
Charles Garabedian, Jr., President of  
the Board of Directors

---

RESOLUTION NO. 08-22-2012

A RESOLUTION OF THE MALAGA COUNTY WATER DISTRICT BOARD OF DIRECTORS AUTHORIZING THE PURCHASE AND ACQUISITION OF REAL PROPERTY AND AUTHORIZING THE PRESIDENT OF THE BOARD OF DIRECTORS AND THE GENERAL MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION

---

WHEREAS, Malaga County Water District (Malaga) is a County Water District organized and existing under the laws of the State of California and is statutorily authorized, among other things, to provide within its boundaries or service area prescribed by law, wastewater collection, treatment and disposal services; and

WHEREAS, wastewater treatment and/or disposal services provided by Malaga requires the use of ponds and the District is approaching its capacity to store and/or dispose of treated wastewater by use of ponds so that acquisition of suitable real property for the establishment of additional ponding basins in the future is necessary and in the interest of the District and the public it serves; and

WHEREAS, on August 14, 2012, at a regular meeting of the Board of Directors of Malaga, the Board authorized the purchase of specified real property at its fair market value as determined by the District Board of Directors, for future expansion of ponds necessary for treatment or disposal of treated wastewater, and authorized its General Manager to submit an offer for the acquisition of that real property at its fair market value, which the Board has determined to be \$300,000 (the "Purchase Price").

NOW, THEREFORE, it is hereby resolved by the Malaga County Water District Board of Directors as follows:

1. That each of the foregoing recitals is true and correct;
2. That the Board of Directors authorizes the purchase and acquisition by grant deed of the real property from Marie Sargenti, a single woman, commonly known as 4335 S. Maple, Fresno, California, 93725, and more particularly described as follows:

THE SOUTH 650 FEET OF THE EAST 335.10 FEET OF LOT 92 OF MALAGA TRACT, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2 PAGE 17 OF PLATS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 330-031-11

3. The President of the Board of Directors, or the General Manager of the Malaga County Water District are each authorized to execute on behalf of the Malaga County Water District all documents necessary to effectuate the purchase and acquisition, by grant deed of the real property described above in exchange for the Purchase Price specified in this resolution.

4. This Resolution passed and adopted this 22nd day of August 2012, by the following vote:

AYES: President Garabedian; Vice President Cerrillo, Directors Castaneda, Cerrillo and Soto

NOES:

ABSENT:

151

---

Charles Garabedian, Jr., President  
of the Board of Directors of the  
Malaga County Water District

ATTEST:

151

---

Russ Holcomb, General Manager/Secretary  
to the Board of the Malaga County Water District

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Malaga County Water District  
c/o Costanzo & Associates  
A Professional Corporation  
575 E. Locust Avenue, Suite 115  
Fresno, CA 93720

---

CERTIFICATE OF ACCEPTANCE

---

I, the undersigned, do hereby certify and declare that I am the President of the Board of Directors, duly qualified and acting as such, as of the date hereof, of the Malaga County Water District and am authorized to execute this Certificate of Acceptance pursuant to the authority duly conferred by the Board of Directors of the Malaga County Water District on August 22, 2012.

The Malaga County Water District hereby accepts transfer by Grant Deed of the real property from Marie Sargenti, a single woman, more particularly described as follows:

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APN: 330-031-11

MALAGA COUNTY WATER DISTRICT

Dated: 8/23, 2012

By: CS  
Charles Garabedian, Jr., President of  
the Board of Directors

TAB 8J

7 July 2014 Notice of Violation

pp. 1-3



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

7 July 2014

NOTICE OF VIOLATION

James D. Anderson  
General Manager  
Malaga County Water District  
3580 South Frank Street  
Fresno, CA 93725

CERTIFIED MAIL  
7013 2250 0002 0464 4086

**VIOLATIONS OF CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD  
ORDER NO. R5-2008-0033 AND CEASE AND DESIST ORDER R5-2008-0032, (NPDES  
CA0084239, RM 396746), FRESNO COUNTY**

This Notice of Violation (NOV) is issued to Malaga County Water District (Malaga) pursuant to California Water Code sections 13260, 13263, 13376, 13385, and 13350 for violations of Waste Discharge Requirements (WDRs) Order No. R5-2008-0033 (NPDES Permit No. CA0084239) and Cease and Desist Order (CDO) R5-2008-0032 adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 14 March 2008.

Central Valley Water Board staff has identified three broad categories of violations of Order Nos. R5-2008-0033 and R5-2008-0032 by Malaga.

**1. Violation of Pretreatment Standards**

Order No R5-2008-0033 Section VI C 5: Special Provisions for Municipal Facilities (POTWs Only), subsection (a)(ii) states, in part, "The Discharger shall perform the pretreatment functions required by 40 CFR Part 403." The Central Valley Water Board staff has determined that Malaga violated the following terms of 40 CRF 403:

- Failure to adopt adequate legal authority as required by 403.8(f)(1).
- Failure to adopt adequate permits as required by 403.8(f)(1)(iii)(B).
- Failure to obtain Board approval for modification of local limits as required by 403.18(c).
- Failure to sample Significant Industrial Users at least once a year, as required by 403.8(f)(2)(v).

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

- Failure to publish a list of users in significant non-compliance as required by section 403.8 (f)(2)(viii).
- Failure to develop an enforcement response plan as required by 403.8(f)(5).
- Failure to evaluate whether a slug control plan is needed as required by 403.8(f)(2)(vi).

## **2. Violation of Monitoring and Reporting Requirements**

Malaga is required to comply with the Monitoring and Reporting requirements established in R5-2008-0033 - MRP (X)(D)(4). Central Valley Water Board staff has determined that Malaga has violated these requirements by:

- Failure to file adequate annual pretreatment reports in violation of MRP (X)(D)(4) for the years 2008-2013.
- Failure to file an adequate quarterly reports in violation of MRP (X)(D)(4)(d) for the quarters Q1-Q3 2008, Q1-Q3 2009, Q1-Q3 2010, Q1-Q3 2011, Q1-Q3 2012, and Q1-Q3 2013.

## **3. Violation of Cease and Desist Order R5-2008-0032**

Lastly, the Central Valley Water Board issued Malaga CDO R5-2008-0032, which required Malaga, in part, to:

“Submit the results of a study evaluating the WWTF treatment and disposal capacity and proposing a work plan and time schedule to implement short-term and long-term measures to ensure compliance with waste discharge requirements. Study results shall include evaluations of, but not limited to, short-term measures necessary to comply with Order No. R5-2008-0033, implementation of appropriate ongoing operations and maintenance, and long-term measures to meet WWTF treatment and disposal needs through at least 2028. The time schedule for short-term measures shall not exceed 14 March 2011. The technical report shall include actions to generate appropriate population and WWTF flow projections and their rationale.”

On 28 July 2008, Malaga submitted a technical report in response to CDO R5-2008-0032 requirement. On at least five occasions; including a 24 September 2009 letter, 19 August 2013 letter, 10 October 2013 documented phone call, 21 October 2013 e-mail, and 24 October 2013 documented phone call; Central Valley Water Board staff informed Malaga that its response to this requirement was inadequate. To date, Malaga has failed to produce an adequate report.

Failure to comply with WDRs Order No. R5-2008-0033 subjects Malaga to civil liability of up to \$10,000 per day pursuant to Water Code Section 13385 for each violation. Failure to comply with Cease and Desist Order R5-2008-0032 subjects Malaga to administrative civil liability of up to \$5,000 per day per Water Code Section 133350.

The Central Valley Water Board will pursue formal enforcement regarding these violations. Central Valley Water Board staff requests a meeting with Malaga by 28 July 2014 to discuss resolution of these matters.

James D. Anderson  
Malaga County Water District

- 3 -

7 July 2014

For questions regarding this NOV and to schedule a meeting, please contact Jill Walsh at (559) 445-5130 or [jill.walsh@waterboards.ca.gov](mailto:jill.walsh@waterboards.ca.gov) or Warren Gross at (559) 445-5128 or [warren.gross@waterboards.ca.gov](mailto:warren.gross@waterboards.ca.gov).



Clay Rodgers  
Assistant Executive Officer

cc: Amelia Whitson, USEPA Region IX, WTR-7, San Francisco  
Ken Greenberg, USEPA Region IX, WTR-7, San Francisco  
Charles E. Garabedian, Jr. President, Malaga CWD  
Michael Taylor, Provost and Pritchard, Fresno  
Neal Costanzo, Costanzo & Associates, Fresno  
James M. Ralph, Staff Counsel, Office of Enforcement, State Water Resources  
Control Board

TAB 8K

18 August 2014

Supplemental Notice of Violation

pp. 1-15

Central Valley Regional Water Quality Control Board AUG 22 2014

18 August 2014

Office of Enforcement

## SUPPLEMENTAL NOTICE OF VIOLATION

James D. Anderson  
General Manager  
Malaga County Water District  
3580 South Frank Street  
Fresno, CA 93725

CERTIFIED MAIL  
7013 2250 0002 0661 7897

**VIOLATIONS OF CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R5-2008-0033; AND CEASE AND DESIST ORDER R5-2008-0032**

### Background

On 7 July 2014, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued a Notice of Violation (NOV) to Malaga County Water District (Malaga or District). Malaga has requested clarification of the violations alleged in the 7 July 2014 NOV. Malaga has received notification of these violations previously; however, in response to Malaga's request, the Central Valley Water Board provides this supplemental NOV to clarify the factual basis for each violation.

Please read this Supplemental Notice of Violation carefully. The Central Valley Water Board plans to pursue formal enforcement regarding these violations. Malaga is invited to contact the Central Valley Water Board staff by **2 September 2014** if Malaga seeks to discuss resolution of these violations.

### Violations

#### 1. Violation of Pretreatment Standards

Order No R5-2008-0033, Section 5: Special Provisions for Municipal Facilities (POTWs Only), subsection (a)(ii) states "The Discharger shall perform the pretreatment functions required by 40 CFR Part 403." The Central Valley Regional Water Board staff has determined that Malaga violated the following sections of 40 CRF 403.

- a. Failure to adopt adequate legal authority as required by 40 CFR 403.8(f)(1).

40 CFR 403.8(f) requires Malaga to operate its Publicly Owned Treatment Works (POTW) pursuant to legal authority that enables it to do enumerated actions. Specifically:

(f) *POTW pretreatment requirements.* A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(1) *Legal authority.* The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12. [Emphasis added].

On 13 January 2004, Malaga adopted Ordinance No. 01-13-2004 (2004 Ordinance). The 2004 Ordinance does not enable Malaga to require the development of a compliance schedule by each industrial user (IU) for the installation of technology required to meet applicable pretreatment standards and requirements.

On 18 February 2010, a Pretreatment Compliance Inspection (2010 PCI) of Malaga's approved Pretreatment Program was performed. Malaga was informed of the lack of a compliance schedule during the 18 February 2010 PCI and received the checklist identifying the deficiency during the exit interview on that date. The resulting Report (2010 PCI Report) noted that Malaga was required to have such compliance schedules (2010 PCI Report, pg. 4). Yet, on 25 February 2014, Malaga adopted a new ordinance (2014 Ordinance) that did not correct this inadequacy (this ordinance is misleadingly titled "Ordinance No. 2013-1," when in fact it was adopted in 2014).

Malaga has been non-compliant with the requirement of 40 CFR 403.8(f)(1)(iv) from 14 March 2008, when Order No R5-2008-0033 was issued to present.

**b. Failure to adopt adequate permits as required by 40 CFR 403.8(f)(1)(iii)(B).**

40 CFR 403.8(f)(1)(iii) requires Malaga to issue permits to its IUs. Specifically:

(iii) Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under § 403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User...

40 CFR 403.8(f)(1)(iii)(B) identifies the conditions the IU permits must contain. Specifically:

Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

- (1) Statement of duration (in no case more than five years);
- (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- (3) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;
- (5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
- (6) Requirements to control Slug Discharges, if determined by the POTW to be necessary. [Emphasis added]

From 2008 to 2013, Malaga's IU permits have not satisfied the requirements of 40 CFR 403.8(f)(1)(iii)(B), by failing to include local limits and/or relevant sampling requirements.<sup>1</sup>

Malaga's 2008 and 2009 IU permits failed to identify sample locations and did not indicate sample type for all pollutants.

During the 2010 PCI, Malaga was informed of the sampling deficiencies and received the checklist identifying the deficiencies at the exit interview on that date. The 2010 PCI Report also noted that some permits did not specify a local limit for:

The iron limit in Calpine's permit is inconsistent with the limit established in Malaga's 2004 Ordinance. The iron limit in the permit is listed as 10 parts per million (milligrams per liter, mg/L), but the 2004 Ordinance specifies that the local limit for iron is 1 part per million. Therefore, Malaga is required to revise Calpine's permit to include the iron limit established in the 2004 Ordinance. See PCI Report, Section 6.2, Pg. 4.

After the 2010 PCI, Malaga added sample types and a sample location to its IU permits; however, the sample location is not defined or depicted in the permits.

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<sup>1</sup> Malaga's IU permits, from 2008 to 2013, did not include a process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism.

On 6-7 January 2014, a Pretreatment Compliance Audit (2014 PCA) of Malaga's approved pretreatment program was performed. As a component of the 2014 PCA, the sampling locations listed in the permits were reviewed. According to the resulting report (2014 PCA Report):

Each of the permits reviewed stated that the permittee must monitor outfall 001. In addition, part 3.2(a) of the permits lists the measurement location as "001." However, this measurement location is not defined, described, or depicted in the permits. In order to ensure that samples are collected at the correct locations, the Malaga is required to include an adequate description of the sampling locations in the permits. For more information about the sampling locations at the facilities inspected as part of the audit, refer to section 9.3, Nondomestic Discharger Site Inspections Conducted during the Audit. PCA Report, Section 7.3, Pg. 15. [Emphasis added].

Some permits did not include local limits as required by 40 CFR 403.8(f)(1)(iii)(B)(3). The 2010 PCI Report and 2014 PCA Report also noted where local limits were absent:

According to the 2010 inspection report, the iron limit in Calpine's permit was inconsistent with the limit established in Malaga's 2004 Ordinance. The iron limit in the permit was listed as 10 mg/L, but the 2004 Ordinance specified that the local limit for iron was 1 mg/L. Therefore, Malaga was required to revise Calpine's permit to include the iron limit established in its 2004 Ordinance. In response to this requirement, Malaga stated that the District legal counsel and Contract Engineer will review the limits identified in the 2004 Ordinance [sic] and the individual significant industrial user (SIU) permits. If exceptions to the 2004 Ordinance [sic] are not allowed, the necessary modifications to limits will be incorporated into the updated sewer use ordinance (SUO) [sic].

According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3), permits are required to include effluent limits. As a component of the 2014 PCA, the RockTenn CP, LLC (formerly Calpine Corrugated, LLC) permit was reviewed. The audit team determined that the effluent limit for iron is not included in the RockTenn permit. However, according to part 3.2 of the facility permit, RockTenn is required to collect a grab sample for iron in June from measurement location 001. Malaga is required to amend the RockTenn permit to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3). See section 7.5, pg. 16.

In addition, in 2010, Malaga removed the local limit for iron and several metals in all five significant industrial users (SIU): PPG, Rio Bravo, Air Products, Statas Foods, and Smurfit.

Malaga has been non-complaint with the requirement of 40 CFR 403.8(f)(1)(iii) since 2008, when Malaga first issued non-compliant permits.

**c. Failure to obtain Board approval for modification of local limits as required by 40 CFR 403.18.**

40 CFR 403.18 provides procedures for substantial modifications of POTW pretreatment programs. 40 CFR 403.18(b)(2) defines "substantial modifications" as:

(2) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of the section. Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users Identified by the POTW) may discharge pursuant to limits developed under §403.5(c). [Emphasis added].

40 CFR 403.18(c) outlines the approval procedures for substantial modifications. Specifically:

- (1) the POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description, or such other documents the Approval Authority determines to be necessary under the circumstances.
- (2) The Approval Authority shall approve or disapprove the modification based on the requirements of §403.8(f) and using the procedures in §403.11(b) through (f), except as provided in paragraphs (c) (3) and (4) of this section. The modification shall become effective upon approval by the Approval Authority. [Emphasis added].

Malaga relaxed or eliminated numerous local limits for its SIUs without obtaining approval from the Central Valley Water Board. For example:

- **2008 and 2009:** Malaga relaxed the local limit for iron from 1 ppm to 2 ppm for Air Products.
- **2009:** Malaga relaxed the local limit for Iron for Calpine from 1 ppm to 10 ppm.
- **2010:** Malaga removed the local limit for iron and several metals in all SIUs; PPG, Rio Bravo, Air Products, Statas Foods, and Smurfit.
- **2012:** Malaga changed the local limit for oil/grease from 100 mg/L to 200 mg/L for Statas (Stratas proceeded to violate the original limit in 2013).

Malaga violated the requirement of 40 CFR 403.18 in each of the instances identified above.

**d. Failure to sample Significant Industrial Users once per year as required by 40 CFR 403.8(f)(2)(v).**

40 CFR 403.8(f)(2)(v) requires Malaga to “[i]nspect and sample the effluent from each Significant Industrial User at least once a year.”

Malaga identified the following SIUs:

- **2008:** Kinder Morgan Energy, PPG, Rio Bravo, ADM, Air Products, Calpine, Wholesale Equipment of Fresno.
- **2009:** PPG, Rio Bravo, Air Products, Calpine, Statas Foods.
- **2010:** PPG, Rio Bravo, Air Products, Statas Foods, Smurfit.
- **2011:** PPG, Rio Bravo, Air Products, Statas Foods, Rock Tenn.

Malaga failed to sample its SIUs' effluent from 2008 to 2011 for all pollutants of concern. Malaga's representatives stated in the 2010 PCI and the 2014 PCA that the SIUs are regularly sampled for electrical conductivity (EC); however, Malaga did not have any data or reports to support this statement.

Malaga sampled its IUs in 2012. However, Malaga did not sample its SIUs to satisfy 40 CFR 403.8(f)(2)(v), but rather was required to conduct a Toxicity Reduction Evaluation (TRE) because Malaga exceeded its chronic toxicity limits in 2012. This exceedance triggered sampling of all IUs that discharge industrial waste to the WWTF per R5-2008-0033, VI.C.2.a. i. – iv. However, this data was not included in Malaga's 2012 Annual Pretreatment Report.

The Annual Pretreatment Reports require the sampling results to be included, but Malaga did not include any such data in its 2008-2012 Annual Pretreatment Reports. 40 CFR 403.8(f)(2)(v) provides an exception for the sampling requirement; however, Malaga's SIUs do not qualify for it.

Malaga violated the requirement of 40 CFR 403.8(f)(2)(v) from 2008-2011.

**e. Failure to publish list of users in significant non-compliance as required by 40 CFR section 403.8 (f)(2)(viii).**

40 CFR 403.8(f)(2) states:

(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(vii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard)

that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Malaga and its IUs have submitted laboratory reports, which identifies significant non-compliance as defined in 40 CFR 403.8(f)(2)(vii)(A)-(H) from at least one IU or SIU for the following years:

- 2009: Fresno Truck Wash.
- 2010: Fresno Truck Wash, Fifth Wheel.
- 2011: Fresno Truck Wash.
- 2012: Fresno Truck Wash, Fifth Wheel, ADM/Stratas, Kinder Morgan, Inland Star, GreenTec, Western State Glass.
- 2013: Fresno Truck Wash, Fifth Wheel, ADM/Stratas, Inland Star, Moga, Western State Glass.

The requirement to publish a list of significant non-compliant users was triggered in each of these years, yet Malaga did not publish reports in these years as required by 40 CFR 403.8 (f)(2)(viii).

**f. Failure to develop an enforcement response plan as required by 40 CFR 403.8(f)(5).**

40 CFR 403.8(f)(5) states:

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:(i) Describe how the POTW will investigate instances of noncompliance;(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;(iii) Identify (by title) the official(s) responsible for each type of response;(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2). [Emphasis Added].

The 2004 Ordinance adopted by Malaga is silent regarding an enforcement response plan (ERP). The 2014 PCA Report noted that Malaga did not have an enforcement response plan in the 2004 Ordinance. Furthermore, the audit noted the deficiency in Malaga's draft 2013 Ordinance. Specifically, the 2014 PCA Report noted that:

The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. This plan must contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance. During initial conversations with the District, the District representative was unsure if the District had implemented an ERP. During the audit, the EPA audit team had discussions with the District's Contract Engineer who stated that the District's ERP was a component in the District's 2013 draft sewer use ordinance. A cursory review of the District's 2013 draft sewer use ordinance determined that the ERP was located in section 3.08.010. This section states that the District shall develop and implement an ERP which should include a description of how the District will investigate noncompliance, describe escalating enforcement, identify officials responsible for each response, and adequately reflect the District's primary responsibility to enforce all applicable pretreatment requirements and standards. However, section 3.08.010 of the District's 2013 draft sewer use ordinance does not specifically identify how the District will investigate and respond to instances of industrial user noncompliance, or who is responsible for implementing the enforcement action. The District is required to develop and implement an ERP as stated at the federal regulations at 40 CFR 403.8(f)(5). PCA Report, Pg. 30. [Emphasis added].

Despite the audit, on 25 February 2014, Malaga adopted the 2014 Ordinance which does not contain an enforcement response plan. Specifically, the 2014 Ordinance states:

**3.08.010 ENFORCEMENT RESPONSE PLAN.**

In addition to all other enforcement procedures provided in this District Code, the District shall develop and implement an enforcement response plan (ERP). The ERP shall contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance. The ERP may be adopted and amended by resolution of the Board of Directors and shall contain, at a minimum, the following:

1. A description of how the District will investigate instances of noncompliance;
2. Describe the types of escalating enforcement responses the District will take in response to all anticipated types of Industrial User violations and the time periods within which response will take place;
3. Identify (by title) the official(s) responsible for each type of response; and
4. Adequately reflect the District's primary responsibility to enforce all applicable Pretreatment Requirements and Standards as detailed in 40 CFR 403.8(f)(1) and (f)(2).

The ERP, as adopted and amended by Resolution of the Board of Directors, shall be incorporated by this reference into this District Code. [emphasis added].

By Malaga's letter of 2 April 2014 to the Central Valley Water Board, Malaga asserted:

As part of the process of adopting a new SUO, the District developed an ERP which was approved by resolution of the Board of Directors immediately following adoption of the new SUO. (A copy of the ERP is attached hereto as Exhibit I, and incorporated by this reference).

There are two incorrect statements made in Malaga's above statement. First, at the time the letter was sent, Malaga had not adopted an ERP. Second, no ERP was attached to the letter, as stated.

By Malaga's letter of 1 May 2014 to the Central Valley Water Board, Malaga provided an enforcement response plan to Central Valley Water Board staff.

Malaga violated the requirement of 40 CFR 403.8(f)(5) from 2008 thru 30 April 2014. Moreover, Malaga's 1 April 2014 letter misled the Central Valley Water Board staff and falsely stated that it had complied with this requirement.

**g. Failure to evaluate whether a Slug control plan is needed as required by 40 CFR 403.8(f)(2)(vi).**

40 CFR 403.8(f)(2)(vi) requires Malaga to:

(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User.

Per the 2010 PCI Report and 2014 PCA Report, Malaga has not done this evaluation. In October 2013, Malaga sent an evaluation to its SIUs regarding slug discharges; however, this evaluation was dependent on the SIUs volunteering of information. In addition, it was not performed within one year of Malaga designating the user as an SIU, and thus not in compliance with 40 CFR 403.8(f)(2)(vi).

Malaga violated the requirement of 40 CFR 403.8(f)(2)(vi) from 2008 to present.

**2. Violation of Monitoring and Reporting Requirements**

Malaga is required to comply with the Monitoring and Reporting requirements established in R5-2008-0033 - MRP (X)(D)(4). Central Valley Regional Water Board staff has determined that Malaga has violated these requirements by:

**a. Failure to file adequate Annual Pretreatment Reports in violation of MRP (X)(D)(4) for the years 2008-2013.**

R5-2008-0033 - MRP (X)(D)(4) [Pg. E-17] states:

The Discharger shall submit annually a report describing the Discharger's pretreatment activities over the previous 12 months. In the event that the Discharger is not in compliance with any conditions or requirements of this Order, including noncompliance with pretreatment audit/compliance inspection requirements, then the Discharger shall also include the reasons for noncompliance and state how and when the Discharger shall comply with such conditions and requirements. [Emphasis added].

R5-2008-0033 - MRP (X)(D)(4) specifies the following annual reporting requirements for Malaga's Pretreatment Program (Pg. E-17 thru E-20). Specifically:

**Annual Pretreatment Reporting Requirements.** The Discharger shall submit annually a report to the Regional Water Board, with copies to US EPA Region 9 and the State Water Board, describing the Discharger's pretreatment activities over the previous 12 months. In the event that the Discharger is not in compliance with any conditions or requirements of this Order, including noncompliance with pretreatment audit/compliance inspection requirements, then the Discharger shall also include the reasons for noncompliance and state how and when the Discharger shall comply with such conditions and requirements.

An annual report shall be submitted by **28 February** and include at least the following items:

- a. A summary of analytical results from representative, flow proportioned, 24-hour composite sampling of the POTW's influent and effluent for those pollutants EPA has identified under Section 307(a) of the CWA which are known or suspected to be discharged by industrial users.

Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent sampling and analysis. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period. Wastewater and sludge sampling and analysis shall be performed at least annually. The discharger shall also provide any influent, effluent or sludge monitoring data for non-priority pollutants which may be causing or contributing to Interference, Pass-Through or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto.

- b. A discussion of Upset, Interference, or Pass-Through incidents, if any, at the treatment plant, which the Discharger knows or suspects were caused by industrial users of the POTW. The discussion shall include the reasons why the incidents occurred, the corrective actions taken and, if known, the name and address of, the industrial user(s) responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent Pass-Through, Interference, or noncompliance with sludge disposal requirements.
- c. The cumulative number of industrial users that the Discharger has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.
- d. An updated list of the Discharger's industrial users including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The Discharger shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to federal categorical standards by specifying which set(s) of standards are applicable. The list shall indicate which categorical industries, or specific pollutants from each industry, are subject to local limitations that are more stringent than the federal categorical standards. The Discharger shall also list the non-categorical industrial users that are subject only to local discharge limitations. The Discharger shall characterize the compliance status through the year of record of each industrial user by employing the following descriptions:
  - i. complied with baseline monitoring report requirements (where applicable);
  - ii. consistently achieved compliance;

- iii. inconsistently achieved compliance;
- iv. significantly violated applicable pretreatment requirements as defined by 40 CFR 403.8(f)(2)(vii);
- v. complied with schedule to achieve compliance (include the date final compliance is required);
- vi. did not achieve compliance and not on a compliance schedule; and
- vii. compliance status unknown.

A report describing the compliance status of each industrial user characterized by the descriptions in items iii. through vii. above shall be submitted for each calendar quarter **within 21 days of the end of the quarter**. The report shall identify the specific compliance status of each such industrial user and shall also identify the compliance status of the POTW with regards to audit/pretreatment compliance inspection requirements. If none of the aforementioned conditions exist, at a minimum, a letter indicating that all industries are in compliance and no violations or changes to the pretreatment program have occurred during the quarter must be submitted. The information required in the fourth quarter report shall be included as part of the annual report. This quarterly reporting requirement shall commence upon issuance of this Order.

- e. A summary of the inspection and sampling activities conducted by the Discharger during the past year to gather information and data regarding the industrial users. The summary shall include:
  - i. the names and addresses of the industrial users subjected to surveillance and an explanation of whether they were inspected, sampled, or both and the frequency of these activities at each user; and
  - ii. the conclusions or results from the inspection or sampling of each industrial user.
- f. A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of the industrial users affected by the following actions:
  - i. Warning letters or notices of violation regarding the industrial users' apparent noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the federal categorical standards or local discharge limitations.
  - ii. Administrative orders regarding the industrial users noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
  - iii. Civil actions regarding the industrial users' noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
  - iv. Criminal actions regarding the industrial users noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
  - v. Assessment of monetary penalties. For each industrial user identify the amount of the penalties.
  - vi. Restriction of flow to the POTW.
  - vii. Disconnection from discharge to the POTW.
- g. A description of any significant changes in operating the pretreatment program which differ from the information in the Discharger's approved Pretreatment Program including, but not limited to, changes concerning: the program's administrative structure, local

industrial discharge limitations, monitoring program or monitoring frequencies, legal authority or enforcement policy, funding mechanisms, resource requirements, or staffing levels.

- h. A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.

Malaga has consistently submitted deficient reports every year. The following are a few examples of Malaga's failure to satisfy the above requirement:

- Requirements 1.d. i-vii, and h. were not included in the 2008 - 2013 Annual Pretreatment Reports;
- Requirements 1. e. i.-ii were not included in the 2008-2012 Annual Pretreatment Reports, and the information included in the 2013 Annual Pretreatment Report to satisfy the same requirement was incomplete.
- Requirement 1.e.ii: the 2008 Annual Pretreatment Report did not contain any sampling data conducted by either Malaga or the IUs.

The list of all reporting deficiencies from 2008 to 2013 is quite extensive. The Central Valley Water Board has not requested that Malaga submit revised reports, because Malaga does not possess the missing information per the 2010 PCI and the 2014 PCA Reports.

Malaga's pretreatment program was inspected in 2010 and numerous instances of noncompliance were identified. Malaga was informed of the deficiencies during the 2010 PCI and received the checklist identifying the deficiencies during the exit interview on that same date. Per R5-2008-0033 - MRP (X)(D)(4), Malaga is required to include "the reasons for noncompliance and state how and when the Discharger shall comply with such conditions and requirements." Malaga did not provide that information in its 2011 Annual Pretreatment Report. Similar deficiencies were noted in the 2014 PCA Report. Again, per R5-2008-0033 - MRP (X)(D)(4), Malaga was required to include in its next report, due 28 February 2014, why it was not in compliance and the plan for achieving compliance. Malaga did not do so.

Lastly, Malaga has never certified its Annual Pretreatment Reports with the required certification statement per the Federal Standard Provisions, Attachment D, Section V.B of Malaga's NPDES permit. Malaga violated R5-2008-0033 - Attachment D-Standard Provisions, Section V.B.1-4. from 2008 to 2013 by submitting incomplete Annual Pretreatment Reports to the Central Valley Water Board without certification.

Malaga has violated the requirements of R5-2008-0033 - MRP (X)(D)(4) from 2008 to present.

- b. Failure to file adequate quarterly pretreatment reports in violation of MRP

**(X)(D)(4)(d) for the quarters Q1-Q3 2008, Q1-Q3 2009, Q1-Q3 2010, Q1-Q3 2011, Q1-Q3 2012, Q1-Q3 2013, and Q1-Q2 2014.**

R5-2008-0033, MRP (X)(D)(4)(d) [p. E-18-19]: provides:

A report describing the compliance status of each industrial user characterized by the descriptions in items iii. through vii. above shall be submitted for each calendar quarter **within 21 days of the end of the quarter**. The report shall identify the specific compliance status of each such industrial user and shall also identify the compliance status of the POTW with regards to audit/pretreatment compliance inspection requirements. If none of the aforementioned conditions exist, at a minimum, a letter indicating that all industries are in compliance and no violations or changes to the pretreatment program have occurred during the quarter must be submitted. The information required in the fourth quarter report shall be included as part of the annual report. This quarterly reporting requirement shall commence upon issuance of this Order. Pg. E-18-19. [Emphasis added].

The Quarterly Pretreatment Reports submitted were all inadequate and Q1-Q2 2008, Q1-Q3- 2009, Q1-Q3 2010, Q1 and Q3 2011, Q2 2013, and Q1 -Q2 2014 reports were late (some up to 4 years past due).

With the exception of Fresno Truck Wash, Malaga's Quarterly Pretreatment Reports state that no IUs were in significant non-compliance. This is not true according to the data submitted by Malaga's IUs and by Malaga in its Annual and Quarterly Pretreatment Reports to the Central Valley Water Board. For example in 2012 and 2013, the data shows Malaga had IUs in significant non-compliance in all four quarters of 2012 and the first quarter of 2013. The IUs that were in significant non-compliance and not mentioned in the Quarterly Pretreatment Reports include Kinder Morgan, PPG, Western State Glass, Moga, GreenTec, and Inland Star. In addition, Malaga did not start reporting significant non-compliance for Fresno Truck Wash until the first quarter 2011. However, according to Administrative Complaint 2010-01 issued by Malaga to Fresno Truck Wash in 2010, Fresno Truck Wash had been in significant non-compliance since early 2009. Yet, Malaga did not start reporting Fresno Truck Wash in its Quarterly Pretreatment Reports until the first quarter 2011. The 2009 and 2010 Quarterly Pretreatment Reports erroneously state that all IUs were in compliance.

In addition, first and second quarter 2014 Quarterly Pretreatment Reports, which were due on April 21 and July 21, 2014, have not been submitted to the Central Valley Water Board, nor has a letter for either quarter been submitted by Malaga stating that a quarterly report was not needed. Malaga received notice of inadequate pretreatment reports in February 2010, April and July 2012, September 2013, January, February, and July 2014. Yet, to date, Malaga has not submitted its first and second Quarterly Pretreatment Reports for 2014.

Additionally, Malaga has never certified its Quarterly Pretreatment Reports with the required certification statement per the Federal Standard Provisions, Attachment D, Section V.B of Malaga's NPDES permit.

Malaga violated No R5-2008-0033, MRP (X)(D)(4)(d) from 2008 to 2013 by submitting incomplete reports to the Central Valley Water Board without certification.

### 3. Violation of Cease and Desist Order R5-2008-0032

CDO R5-2008-0032 Ordered item 3.a. required Malaga, by 13 June 2008, to:

Submit the results of a study evaluating the WWTF treatment and disposal capacity and proposing a work plan and time schedule to implement short-term and long-term measures to ensure compliance with waste discharge requirements. Study results shall include evaluations of, but not limited to, short-term measures necessary to comply with Order No. R5-2008-0033, implementation of appropriate ongoing operations and maintenance, and long-term measures to meet WWTF treatment and disposal needs through at least 2028. The time schedule for short-term measures shall not exceed **14 March 2011**. The technical report shall include actions to generate appropriate population and WWTF flow projections and their rationale.

On 24 July 2008, Malaga submitted a work plan for completing the disposal capacity evaluation. On 24 September 2009, Central Valley Water Board staff informed Malaga that the work plan was inadequate and requested a revised work plan by 27 October 2009.

In April 2011, Central Valley Water Board staff called Malaga's Consulting Engineer and informed him that the report was past due. On 29 April 2011, Malaga submitted a report, which included short-term measures, but not long-term measures or a revised work plan. In addition, the cover letter for this report incorrectly stated that Malaga had not received a response to the work plan submitted on 24 July 2008.

On 12 April 2012, Central Valley Water Board staff issued an NOV identifying the report as delinquent.

On 19 August 2013, Central Valley Water Board staff sent Malaga a letter again requesting, in part, technical information regarding disposal capacity with an administrative date of 3 October 2013.

On 10 October 2013, Central Valley Water Board staff called Malaga's Board President requesting an update on the response that was due by 3 October 2013. The President indicated that Malaga was in possession of a memorandum from its consulting engineer that addressed four of the five items requested by Central Valley Water Board staff in the 19 August 2013 letter. The President offered to send Water Board staff the memorandum while the Discharger worked on its response.

On 10 October 2013, Central Valley Water Board staff received the memorandum, which was essentially a memorandum from Malaga's consulting engineer to Malaga requesting additional information to prepare a response to

Central Valley Water Board's letter.

On 21 October 2013, Central Valley Water Board staff sent Malaga's General Manager an email to again inquire on the status of Malaga's response. On 22 and 24 October 2013 Malaga's General Manager e-mailed Central Valley Water Board staff stating Malaga would send a response soon.

On 29 October 2013, Malaga finally submitted a response, 26 days past the administrative deadline and incomplete. Of the five items listed in the Central Valley Water Board 19 August 2013 letter, Malaga only fully addressed one. The other items only included vague information, whereas the Central Valley Water Board letter requested information on specific actions Malaga had completed. The response did not contain the needed technical information regarding disposal capacity.

Malaga violated CDO R5-2008-0032 from 24 September 2009, the date of Central Valley Water Board's letter informing Malaga that it had not submitted a complete report, to present. The unavailability of this information has hindered Central Valley Water Board staff in assessing current disposal capacity for the renewal of Malaga's NPDES permit.

#### Conclusion

The Central Valley Water Board plans to pursue formal enforcement regarding the above violations. Central Valley Water Board staff invites a response by **2 September 2014** if Malaga would like to discuss resolution of these matters. For questions regarding this NOV, contact Jill Walsh at (559) 445-5130 or [jill.walsh@Waterboards.ca.gov](mailto:jill.walsh@Waterboards.ca.gov).



Clay Rodgers  
Assistant Executive Officer

cc: Amelia Whitson, USEPA Region IX, WTR-7, San Francisco  
Ken Greenberg, USEPA Region IX, WTR-7, San Francisco  
Charles E. Garabedian, Jr. President, Malaga CWD  
Michael Taylor, Provost and Pritchard, Fresno  
Neal Costanzo, Costanzo & Associates, Fresno  
James M. Ralph, Staff Counsel, Office of Enforcement, SWRCB  
Naomi Kaplowitz, Staff Counsel, Office of Enforcement, SWRCB

TAB 8L

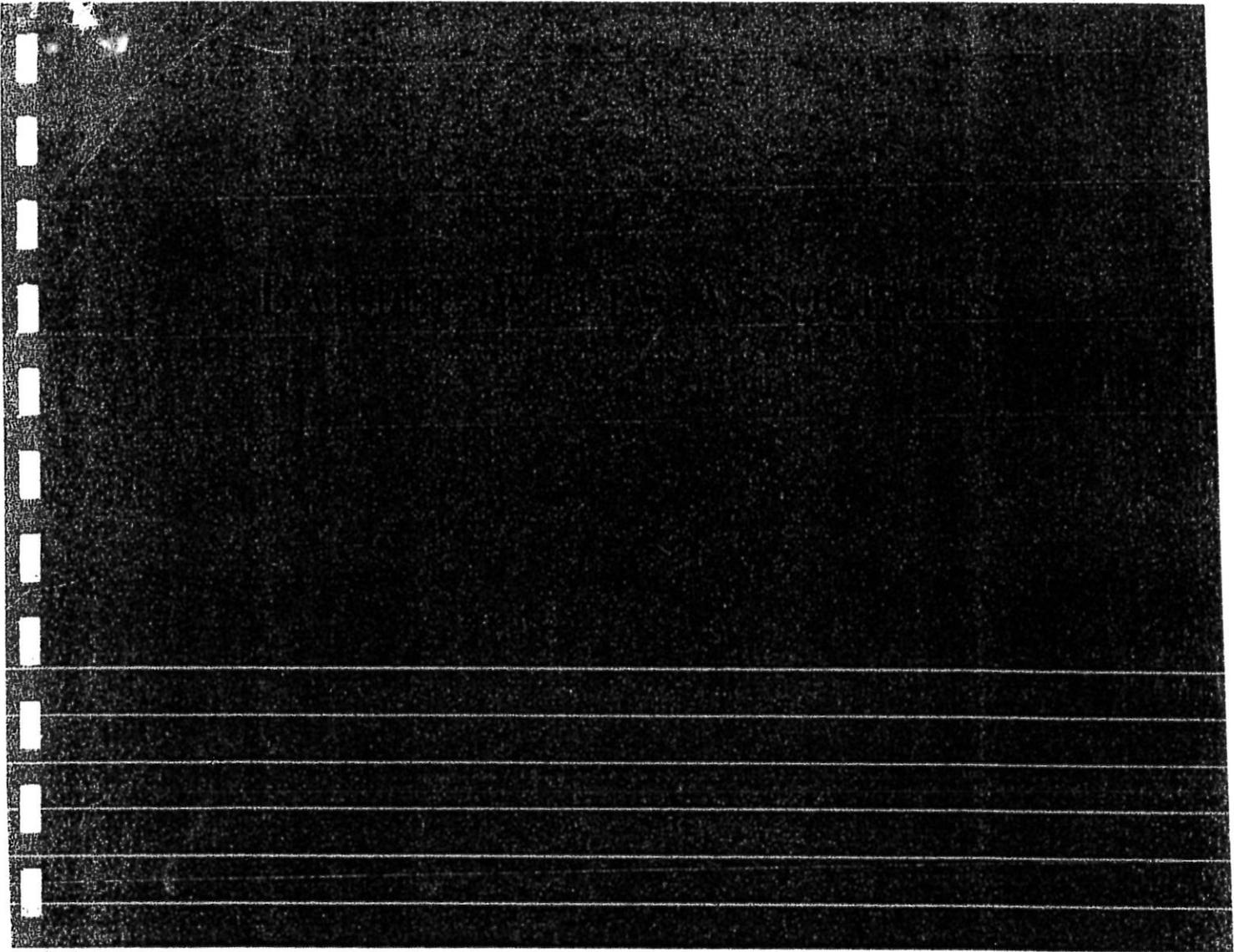
Excerpt from 2008 CDO, p. 3

8. The SMRs indicate a trend of increasing influent flow in 2007 that also exceeds the base flow used in the water balance of Finding 3. The average monthly influent flow rate for the first eight months of 2007 was 0.87 mgd, and in September it was 1.02 mgd.
9. Findings 6 through 8 indicate that influent flow to the WWTF is greater than what can be discharged to the Central Canal (0.45 mgd) and to the ponds consistent with the terms of the Order (0.42 mgd). Though this could be corrected over time based on the increased discharge to Central Canal, the increase will not likely accommodate greater influent flows as experienced in 2007. The Discharger's current total disposal capacity is about 0.87 mgd, which is less than the 1.2 mgd total specified in the effluent limitation and less than current total flow. This circumstance places the Discharger in violation or threatened violation of Provision VI.C.4.a.ii (lack of adequate pond capacity), Provision VI.C.4.a.iii (available seasonal storage capacity), and Provision VI.C.4.a.iv (a minimum of two feet of operating freeboard), and/or threatened violation of Effluent Limitation IV.A.1.a (0.45 mgd to Central Canal).
10. The situation in Finding 9 continues the failure to maintain adequate operating freeboard in ponds and the risk of overtopping or a breach of levees. The WWTF ponds are adjacent to the Central Canal, several businesses, and the main railroad line for the Santa Fe Railroad and Amtrak. Overflow of discharge of undisinfected secondary treated wastewater from the ponds to the Central Canal would adversely affect its beneficial use for unrestricted agricultural supply. Overflow to area businesses (as occurred in 2000) or to the railroad right-of-way would cause or threaten to create a nuisance condition. The Discharger is in threatened violation of Prohibitions III.A.(unauthorized discharge location), III.B. (bypass of treatment or overflow), and III.C. (nuisance).
11. Though most wastewater treatment facilities typically have some over-design and component redundancy, these are generally to provide a safety factor for emergencies and contingencies. In the case of Malaga, significant treatment components have been out of service for extended periods. Secondary clarifier No. 1 has been out of service for approximately one year. Secondary clarifier No. 3 has been out of service for approximately 20 years. The combination dissolved air floatation unit/primary clarifier has been out of service for three years. The current actual treatment capacity of the WWTF as reported by the Discharger's engineer is 0.863 mgd in the current configuration. In September, the average influent flow rate reported was 1.02 mgd, 85% of the WWTF design capacity and over the current actual capacity. In addition, the WWTF currently lacks buffer capacity for contingencies.
12. Finding No. 11 indicates that the Discharger is in violation or threatened violation of Standard Provision I.D (proper maintenance and operation).
13. Staff inspection of 31 October 2007 confirmed that flow metering included measurement of recirculated flow from the grit washer and thus is not representative of actual influent flow. This effects the water balance assumptions as well as influent flow records. Non-representative flow metering violates or threatens to violate Standard Provision III.A and Monitoring and Reporting Program, General Monitoring Provision I.A.

TAB 9  
(Steps 6-9)

TAB 9A

2010 Water, Sewer, & Solid Waster  
Rate Study, pp. 2-3



# **Malaga County Water District**

## **Water, Sewer, & Solid Waster Rate Study Final Report**

**February 2010**



- Recommended adjustments to water charges include:
  - A ten percent rate increase should be implemented on April 1, 2010, with an additional ten percent rate increase to take effect July 1, 2011. Beginning July 1, 2012, annual three percent rate increases may be needed to keep rates from falling behind inflationary cost increases. These future rate increases are only projections and may be lower or higher based on future District revenues and expenses.
  - The residential capacity fee should be raised to \$5,430 per residential unit based on current system value, expansion-related capital project costs, and capacities. The capacity fees for larger metered customers should be proportioned to this charge based on AWWA standards.
  - Fire-line service and capacity fees should be set at 20 percent of the normal water service and capacity fees for each meter size. Buildings in excess of a square footage allowance for each meter size should pay an additional surcharge per 1,000 square feet over the allowance.

### *Wastewater Enterprise*

- The District's sewer enterprise serves about 502 sewer accounts representing about 2,337 equivalent sewer service units. Residential customers account for 8% (eight percent) of these 2,337 service units.
- The District's sewer enterprise has posted overall deficits of \$140,000 and \$60,000 in FYs 2007/08 and 2008/09 respectively due to debt service and capital outlays. BWA projects the sewer enterprise will require significant rate adjustments to meet budgetary requirements going forward.
- Recommended adjustments to sewer charges include:
  - Sewer rates need to be raised in order for current and future revenue requirements to be met. The District will be unable to shoulder the cost of necessary improvements on a pay-as-you-go basis. Should the District choose to issue debt to cover these facilities, detailed cash flow projections indicate a fifteen percent rate increase should be implemented effective April 2010, followed by additional fifteen, ten, and ten percent rate increases at the beginning of FYs 2011/12, 2012/13, 2013/14, and 2014/15, respectively. Foregoing the disposal facilities entirely necessitates fifteen percent rate increases in April 2010 and July 2011. In both cases, these increases would need to be followed in future years by inflationary increases of about three percent annually.
  - Sewer service unit assignments should be reviewed periodically to ensure the assignment accurately reflects wastewater discharge.



- 
- The sewer capacity fee was recalculated based on the cost of buy-in to the current system for an equivalent residential service unit. A capacity fee of \$2,179 per service unit is recommended.

#### *Solid Waste Enterprise*

- The District's solid waste enterprise serves about 173 service units. The sole costs are contract payments and dumping fees.
- Annual solid waste rate increases of approximately one percent will be adequate to meet future operating needs.

TAB 9B

Visalia, Atwater, Selma-Kingsburg-  
Fowler, Fresno-Clovis, and Merced  
Annual Pretreatment Reports

(40 pages total)



**PART 4**  
**UPDATED LIST OF INDUSTRIAL USERS**

Table 4-1 is a list of Significant Industrial User compliance status for 2014, by quarter.

Table 4-2 is a tabulation by quarter of the number of Significant Industrial Users in each compliance status category.

Table 4-3 states the reasons why each Significant Industrial User is classified as such. The table also indicates any applicable Federal Categorical Pretreatment standards for each Significant Industrial User.

Table 4-4 lists categorically regulated industries with pollutants subject to local limits more stringent than categorical standards. The specific pollutants of concern are identified.

Table 4-5 indicates the range of average daily flow discharge rates for processing operations for each Significant Industrial User.

Table 4-6 is a count of permitted commercial Industrial Users segregated by business activity subcategories.

**TABLE 4 - 5**

**SIGNIFICANT INDUSTRIAL USER  
AVERAGE DAILY DISCHARGE RATES**

<u>CODE</u>	<u>BUSINESS NAME</u>	<u>AVERAGE DAILY DISCHARGE RANGE FOR PROCESSING OPERATIONS</u>
F-2	ADVANCED FOOD PRODUCTS	D
F-2	ATC PLASTICS	A
F-2	CALIFORNIA DAIRIES	F
F-2	JM EAGLE	B
F-2	JOSTEN'S PRINTING AND PUBLISHING	A
F-1	KAWNEER	A
F-2	MILK SPECIALTIES GLOBAL	F
F-2	MISSION UNIFORM AND LINEN SERVICE	D
F-1	UNIVAR USA	A
F-1	VISALIA CUSTOM CHROME	A
F-1	VOLTAGE MULTIPLIERS	C

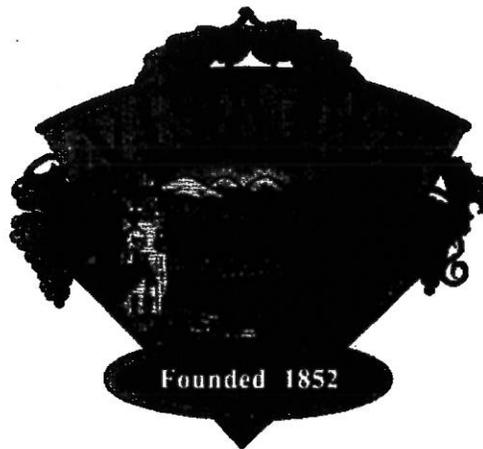
AVERAGE DAILY DISCHARGE RATE RANGES

<u>RANGE</u>	<u>DAILY FLOW IN GAL./DAY</u>	<u>RANGE</u>	<u>DAILY FLOW IN GAL./DAY</u>
A	LESS THAN 10,000	D	50,001 TO 100,000
B	10,001 TO 25,000	E	100,001 TO 250,000
C	25,001 TO 50,000	F	GREATER THAN 250,000

# **PART 8**

## **PRETREATMENT PROGRAM**

### **BUDGET SUMMARY**



**2014 PRETREATMENT PROGRAM  
ANNUAL REPORT  
AND  
4TH QUARTER REPORT**

**PART 8**

**PRETREATMENT PROGRAM ANNUAL BUDGET SUMMARY**

The operating budget for the Quality Assurance Division is developed on a fiscal year basis. As such, the amounts listed below are closely representative of what was budgeted for Pretreatment Program costs. The 2014-2015 Pretreatment Program budget represents a 9.3 % increase as compared to the 2013-2014 Pretreatment Program budget. The Pretreatment Program is funded by the sanitation fund, which is an enterprise fund, supported by rates and fees.

<u>ITEM</u>	<u>2014-15 BUDGETED AMOUNT</u>
Salaries Plus Benefits	269,300
<b>EXPENSES</b>	
Memberships	600
Conferences & Meetings	2,500
Training	100
Uniforms	900
Employee Certification	600
Office Supplies	4,000
Postage	1,000
Subscriptions	2,900
Equipment Supplies	10,000
Lab Chemicals	4,000
Special Dept. Supplies	2,000
Professional Services	250,000
Advertising	1,000
Telephone and Fax	2,300
<b>VEHICLE EXPENSES</b>	
Vehicle Operating Expenses	<u>3,500</u>
<b>TOTAL PRETREATMENT COSTS</b>	<b>\$554,700</b>

PERMIT AND INSPECTION STATUS –Significant Industrial Users  
“SIU”

<u>NAME</u>	<u>NO.</u>	<u>EXP.</u>	<u>INSP.</u>	<u>CONTACT</u>
<b>Bee Sweet Citrus, Inc. (South Ave)</b> 416 E. South Fowler, CA 93625	436-2011	Mar-2012	Mar-2011	James Sherwood Martin Guzman 834-5345 MG Cell 240-5194
<b>Boghosian Raisin Packing Co., Inc.</b> P.O. Box 338 726 So. Eighth Fowler, CA 93625	444-2011	Sept-2012	Sep-2011	Tom Cassell Philip Boghosian 834-5348
<b>Del Monte Foods</b> P.O. Box 7 1101 Marion St. Kingsburg, CA 93631	437-2011	Jul-2012	Jul-2011	Brian Okland 897-2901 - x213 Norma Talamantes 891-4267
<b>Guardian Industries Corp.</b> 11535 Mountain View Kingsburg, CA 93631	438-2011	May-2012	May-2011	Phil Newell 896-6400 PN Cell 349-7227
<b>KES Kingsburg, L.P.</b> P.O. Box 217 11765 Mountain View Kingsburg, CA 93631	448-2011	Nov-2012	Nov-2011	Facility Mgr. Ryan Keefe (11/7/2011) 891-9040 Fax 891-1089
<b>Lion Dehydrator</b> P.O. Box 1350 9400 So. DeWolf Selma, CA 93662	443-2011	Sept-2012	Sept-2011	Alan Torosian 834-6677 Fax 834-3182 AT Cell 352-0373
<b>Lion Raisins</b> P.O. Box 1350 9500 So. DeWolf Selma, CA 93662	442-2011	Sept-2012	Sept-2011	Al Lion 834-6677
<b>National Raisin Company</b> P.O. Box 219 626 So. Fifth Fowler, CA 93625	441-2011	Aug-2012	Aug-2011	Ken Bedrosian John Minnazoli 834-5981 Fax 834-1756 JM Cell 351-8664
<b>Sun Maid Growers</b> 13525 So. Bethel Ave. Kingsburg, CA 93631	446-2011	Oct-2012	Oct-2011	Vaughn Koligian (559) 896-8000

## **VII. PRETREATMENT PROGRAM CHANGES**

There were no major changes in the implementation of the District's pretreatment program in 2011.

A Pretreatment Compliance Inspection (PCI) was conducted January 13, 2010. The District received a report of the 2010 PCI findings in December of 2011. The District responded to any required and recommended actions in January 2012.

The most recent Pretreatment Compliance Inspection (PCI) was conducted in December of 2011. The District has not yet received a written report of the PCI's findings. The District will respond in a timely manner upon receipt of that PCI report as well.

The District has been modifying permits as required when the permits are renewed and Evaluations for slug discharge control plans are documented. In addition, "Fact Sheets" with pertinent information about each industry have been included in Industrial Files. We are improving the documentation of communication with the industries as well.

Currently, the District is in an agreement with a consultant group to perform a Waste Water Treatment Plant Facilities Plan Update. The scope of the project includes a review of the existing Industrial Pretreatment Program and a recommendation for specific updates to the existing program. The contract completion date of the update review and recommendations is before December 2012. The District will provide updates on the status of any recommendations or planned changes to the Pretreatment Program in subsequent Quarterly Pretreatment Program reports.

## **VIII. ANNUAL PRETREATMENT BUDGET**

The following page is a breakdown of projected expenditures for implementation of the pretreatment program, taken from the S-K-F CSD Fiscal Plan for Fiscal Year 2011-2012. The total pretreatment program cost allocation for F.Y. 2011-2012 is \$116,500.00, an increase from the pretreatment cost allocation for Fiscal Year 2010-2011 of \$115,500.00.

**SKF CSD Pretreatment Program Cost Allocation  
F. Y. 2011-2012**

SELMA KINGSBURG-FOWLER COUNTY SANITATION DISTRICT

PRETREATMENT PROGRAM COST ALLOCATION (FY 2011-12)

<u>ACCT.</u>	<u>DESCRIPTION</u>	<u>DIV-01</u>	<u>DIV-02</u>	<u>TOTAL</u>
6000	SALARY - NONREP	\$ 1,500	\$ 10,700	\$ 12,200
6100	SALARY - BARG UNIT	5,100	38,000	43,100
6400	FICA / MEDICARE	-	150	150
6500	RETIREMENT	600	800	1,400
6600	HEALTH-DENT-LIFE	1,700	10,600	12,300
6700	WORKERS COMP INSURANCE	400	3,300	3,700
7000	UNIFORMS	700	-	700
7010	SAFETY SUPPLIES	300	150	450
7100	GENERAL INSURANCE	7,500	-	7,500
7300	OFFICE SUPPLIES	-	1,600	1,600
7310	OFFICE EQUIPMENT	4,000	500	4,500
7320	INFORMATION SYSTEMS	-	3,000	3,000
7370	BOOKS & PUBLICATIONS	1,000	-	1,000
7380	COMMUNICATIONS	1,400	-	1,400
7400	TRAVEL & TRAINING	1,500	-	1,500
7500	LAB SUPPLIES	1,500	-	1,500
7510	EXTERNAL LAB SERVICES	16,300	-	16,300
7610	MAINTENANCE - AUTO	1,500	-	1,500
7670	FUEL - GASOLINE	2,200	-	2,200
7810	PROF SRVCS - ENGR	500	-	500
	TOTAL	47,700	68,800	116,500

NOTE: This page is a breakdown of projected expenditures for the implementation of the federally-mandated industrial pretreatment program. These expenditure amounts are accounted for in budgeted amounts on other pages in this budget.

**PERMIT AND INSPECTION STATUS – SIU's (8)**

<u>NAME</u>	<u>NO.</u>	<u>EXPIR.</u>	<u>INSPECTED</u>	<u>CONTACT</u>
Bee Sweet Citrus, Inc. (South Ave) 416 E. South Fowler, CA 93625	436-2012	Mar-2013	Mar-2012	James Sherwood Martin Guzman 834-5345
Boghosian Raisin Packing Co., Inc. P.O. Box 338 726 So. Eighth Fowler, CA 93625	444-2012	Sept-2013	Sept-2012	Tom Cassel Philip Boghosian 834-5348
*Del Monte Foods P.O. Box 7 1101 Marion St. Kingsburg, CA 93631	437-2012	Jul-2013	Jul-2012	Steve Heredia 897-2901 - x213 Norma Talamantes 891-4267
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KES Kingsburg, L.P. P.O. Box 217 11765 Mountain View Kingsburg, CA 93631	448-2012	Nov-2013	Nov-2012	Ryan Keefe, Facility Mgr. 891-9040 Fax 891-1089
Lion Dehydrator P.O. Box 1350 9400 So. DeWolf Selma, CA 93662	443-2012	Sept-2013	Sept-2012	Alan Torosian 834-6677 Fax 834-3182
Lion Raisins P.O. Box 1350 9500 So. DeWolf Selma, CA 93662	442-2012	Sept-2013	Sept-2012	Al Lion 834-6677
National Raisin Company P.O. Box 219 626 So. Fifth Fowler, CA 93625	441-2012	Aug-2013	Aug-2012	Ken Bedrosian John Minnazoli 834-5981 Fax 834-1756
Sun Maid Growers 13525 So. Bethel Ave. Kingsburg, CA 93631	446-2012	Oct-2013	Oct-2012	Vaughn Koligian 896-8000

Del Monte Foods has ceased operations in the District as of September/October 2012.

## **VII. PRETREATMENT PROGRAM CHANGES**

There were no major changes in the implementation of the District's pretreatment program in 2012.

A Pretreatment Compliance Inspection (PCI) was conducted January 13, 2010. The District received a report of the 2010 PCI findings in December of 2011. The District responded to any required and recommended actions in January 2012.

The most recent Pretreatment Compliance Inspection (PCI) was conducted in December of 2011. The District responded in a timely manner upon receipt of that PCI report as well.

The District has been modifying permits as required when the permits are renewed and Evaluations for slug discharge control plans are documented. In addition, "Fact Sheets" with pertinent information about each industry have been included in Industrial Files. We are improving the documentation of communication with the industries as well.

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## **VIII. ANNUAL PRETREATMENT BUDGET**

The following page is a breakdown of projected expenditures for implementation of the pretreatment program, taken from the S-K-F CSD Fiscal Plan for Fiscal Year 2012-2013. The total pretreatment program cost allocation for F.Y. 2012-2013 is \$118,000.00, an increase from the pretreatment cost allocation for Fiscal Year 2011-2012 of \$116,500.00.

**SKF CSD Pretreatment Program Cost Allocation  
F. Y. 2012-2013**

**SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT**  
**PRETREATMENT PROGRAM COST ALLOCATION (FY 2012-13)**

<u>ACCT.</u>	<u>DESCRIPTION</u>		<u>DIV-01</u>	<u>DIV-02</u>	<u>TOTAL</u>
6000	SALARY - NONREP	\$	2,000	\$ 11,000	\$ 13,000
6100	SALARY - BARG UNIT		5,100	38,000	43,100
6400	FICA / MEDICARE		-	200	200
6500	RETIREMENT		600	800	1,400
6600	HEALTH-DENT-LIFE		1,700	10,600	12,300
6700	WORKERS COMP INSURANCE		400	3,300	3,700
7000	UNIFORMS		700	-	700
7010	SAFETY SUPPLIES		400	200	600
7100	GENERAL INSURANCE		8,000	-	8,000
7300	OFFICE SUPPLIES		-	1,600	1,600
7310	OFFICE EQUIPMENT		4,000	500	4,500
7320	INFORMATION SYSTEMS		-	3,000	3,000
7370	BOOKS & PUBLICATIONS		1,000	-	1,000
7380	COMMUNICATIONS		1,400	-	1,400
7400	TRAVEL & TRAINING		1,500	-	1,500
7500	LAB SUPPLIES		1,500	-	1,500
7510	EXTERNAL LAB SERVICES		16,300	-	16,300
7610	MAINTENANCE - AUTO		1,500	-	1,500
7670	FUEL - GASOLINE		2,200	-	2,200
7810	PROF SRVCS - ENGR		500	-	500
			48,800	69,200	118,000
	TOTAL		48,800	69,200	118,000

NOTE: This page is a breakdown of projected expenditures for the implementation of the federally-mandated industrial pretreatment program. These expenditure amounts are accounted for in budgeted amounts on other pages in this budget.

**PERMIT AND INSPECTION STATUS – SIU's (8) updated 3/2015**

<u>NAME</u>	<u>NO.</u>	<u>EXPIR.</u>	<u>INSPECTED</u>	<u>CONTACT</u>
<b>Bee Sweet Citrus, Inc. (South Ave)</b> 416 E. South Fowler, CA 93625	436-2014	Mar-2015	Mar-2014	James Sherwood Martin Guzman 834-5345
<b>Boghosian Raisin Packing Co., Inc.</b> P.O. Box 338 726 So. Eighth Fowler, CA 93625	444-2014	Sept-2015	Sept-2014	Tom Cassel Philip Boghosian 834-5348
<b>Guardian Industries Corp.</b> 11535 Mountain View Kingsburg, CA 93631	438-2014	May-2015	May-2014	Beserat Solomon 896-6400
<b>KES Kingsburg, L.P.</b> P.O. Box 217 11765 Mountain View Kingsburg, CA 93631	448-2014	Nov-2015	Nov-2014	Ryan Keefe, Facility Mgr. 891-9040 Fax 891-1089
<b>Lion Dehydrator</b> P.O. Box 1350 9400 So. DeWolf Selma, CA 93662	443-2014	Sept-2015	Sept-2014	Alan Torosian 834-6677 Fax 834-3182 Al Lion
<b>Lion Raisins</b> P.O. Box 1350 9500 So. DeWolf Selma, CA 93662	442-2014	Sept-2015	Sept-2014	Al Lion 834-6677
<b>National Raisin Company</b> P.O. Box 219 626 So. Fifth Fowler, CA 93625	441-2014	Aug-2015	Aug-2014	John Minnazoli 834-5981 Fax 834-1756
<b>Sun Maid Growers</b> 13525 So. Bethel Ave. Kingsburg, CA 93631	446-2014	Dec-2015	Dec-2014	Jason Sherrel 896-8000

andinspection status siu updated 03 2015

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MAILING ADDRESS: P.O. Box 158, Kingsburg, CA 93631-0158 SHIP TO: 11301 E. Conejo Ave., Kingsburg, CA 93631-9511  
PHONE (559) 897-6500 FAX (559) 897-1985  
website: [www.skfcsd.org](http://www.skfcsd.org)

## **VII. PRETREATMENT PROGRAM CHANGES**

There were no major changes in the implementation of the District's pretreatment program in 2014.

A Pretreatment Compliance Inspection (PCI) was conducted January 13, 2010. The District received a report of the 2010 PCI findings in December of 2011. The most recent Pretreatment Compliance Inspection (PCI) was conducted on December 14-15 of 2011, and the report was received after August 30, 2012 (dated August 20, 2012). The District responded to any required and recommended actions.

The District has been modifying permits as necessary when the permits are renewed. Evaluations for slug discharge control plans are documented. Communication between the District and industries has improved.

As part of a Waste Water Treatment Plant Facilities Plan Update that is anticipated to be completed in 2015, the suggested improvements of the district's pretreatment program are still being reviewed. The scope of the project includes a review of the existing Industrial Pretreatment Program and a recommendation for specific updates to the existing program.

Currently, District legal counsel is working with the Engineering department supervisor and lab supervisor for the revisions to its legal authority, required in the most recent PCI summary report of 2011. Also being reviewed and updated currently is the sewer use ordinance (SUO) and enforcement guidelines, and industrial permits. The permits will have all the language required in the previous PCI Summary Report incorporated instead of the attached version currently being included with each permit.

The District will provide updates on the status of any recommendations or planned changes to the Pretreatment Program.

## **VIII. ANNUAL PRETREATMENT BUDGET**

The following pages are breakdowns of projected expenditures for implementation of the pretreatment program, taken from the S-K-F CSD Fiscal Plans for Fiscal Years 2013-2014 and 2014-2015. There were increases to the program cost allocations for F.Y. 2013-2014 (\$186,000.00) and for F.Y. 2014-2015 (\$188,000).

**SKF CSD Pretreatment Program Cost Allocation**  
**F. Y. 2013-2014**  
**F. Y. 2014-2015**

**SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT**  
**PRETREATMENT PROGRAM COST ALLOCATION (FY 2013-14)**

<u>ACCT.</u>	<u>DESCRIPTION</u>	<u>DIV-01</u>	<u>DIV-02</u>	<u>TOTAL</u>
6000	SALARY - NONREP	\$ 3,000	\$ 15,000	\$ 18,000
6100	SALARY - BARG UNIT	6,000	40,000	46,000
6400	FICA / MEDICARE	-	1,000	1,000
6500	RETIREMENT	1,000	1,000	2,000
6600	HEALTH-DENT-LIFE	2,000	15,000	17,000
6700	WORKERS COMP INSURANCE	1,000	5,000	6,000
7000	UNIFORMS	1,500	-	1,500
7010	SAFETY SUPPLIES	1,000	1,000	2,000
7100	GENERAL INSURANCE	15,000	-	15,000
7300	OFFICE SUPPLIES	-	3,000	3,000
7310	OFFICE EQUIPMENT	5,000	15,000	20,000
7320	INFORMATION SYSTEMS	-	5,000	5,000
7370	BOOKS & PUBLICATIONS	2,000	-	2,000
7380	COMMUNICATIONS	2,000	-	2,000
7400	TRAVEL & TRAINING	3,000	-	3,000
7500	LAB SUPPLIES	2,500	-	2,500
7510	EXTERNAL LAB SERVICES	20,000	-	20,000
7610	MAINTENANCE - AUTO	2,000	-	2,000
7670	FUEL - GASOLINE	3,000	-	3,000
7810	PROF SRVCS - ENGNR	<u>15,000</u>	<u>-</u>	<u>15,000</u>
	TOTAL	85,000	101,000	186,000

NOTE: This page is a breakdown of projected expenditures for the implementation of the federally-mandated industrial pretreatment program. These expenditure amounts are accounted for in budgeted amounts on other pages in this budget.

**SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT**

**PRETREATMENT PROGRAM COST ALLOCATION (FY 2014-15)**

<u>ACCT.</u>	<u>DESCRIPTION</u>		<u>DIV-01</u>	<u>DIV-02</u>	<u>TOTAL</u>
6000	SALARY - NONREP	\$	3,500	\$ 15,000	\$ 18,500
6100	SALARY - BARG UNIT		6,000	40,000	46,000
6400	FICA / MEDICARE		-	1,000	1,000
6500	RETIREMENT		1,500	1,500	3,000
6600	HEALTH-DENT-LIFE		2,000	15,000	17,000
6700	WORKERS COMP INSURANCE		1,000	5,000	6,000
7000	UNIFORMS		1,500	-	1,500
7010	SAFETY SUPPLIES		1,500	1,000	2,500
7100	GENERAL INSURANCE		15,000	-	15,000
7300	OFFICE SUPPLIES		-	3,000	3,000
7310	OFFICE EQUIPMENT		5,000	15,000	20,000
7320	INFORMATION SYSTEMS		-	5,000	5,000
7370	BOOKS & PUBLICATIONS		2,000	-	2,000
7380	COMMUNICATIONS		2,000	-	2,000
7400	TRAVEL & TRAINING		3,000	-	3,000
7500	LAB SUPPLIES		2,500	-	2,500
7510	EXTERNAL LAB SERVICES		20,000	-	20,000
7610	MAINTENANCE - AUTO		2,000	-	2,000
7670	FUEL - GASOLINE		3,000	-	3,000
7810	PROF SRVCS - ENGR		<u>15,000</u>	<u>-</u>	<u>15,000</u>
	<b>TOTAL</b>		<b>86,500</b>	<b>101,500</b>	<b>188,000</b>

NOTE: This page is a breakdown of projected expenditures for the implementation of the federally-mandated industrial pretreatment program. These expenditure amounts are accounted for in budgeted amounts on other pages in this budget.

SUBJECT: 2012 Annual Industrial Pretreatment Program Reporting Requirements governed by Reporting Program Order No. R5-2011-0082. Attachment E-Monitoring and Reporting Program X.5.a-h:

- a. A summary of influent and effluent analytical results is entered
- b. No upset or bypass was attributed or suspected to be caused by industrial users.
- c. No industrial users were notified of baseline monitoring report requirements.
- d. One Industrial discharger is currently discharging to the Atwater WWTF.

Jim's Farms Meats

5881 N. Winton Way

Winton, CA 95388

Jim's Farm Meats is a Swine slaughterhouse. The Winton Water and Sanitary District (WWSD) have adopted the Atwater Pretreatment Program and are monitoring Jim's Farm Meats. WWSD supplied monitoring data from JFM to discharger which demonstrate that JFM consistently achieved compliance.

- e. WWSD samples JFM for daily flow, BOD, TSS pH, and Oil & Grease. Sample were collected in January, March May, June, July September, October, November, and December. A sample was analyzed in December for Atwater local limits. Results did not exceed limits.
- f. No compliance or enforcement activities took place in 2012.
- g. Tetrattech Inc. performed a pretreatment compliance audit in May of 2009. A Notice of Violation (NOV) was issued on August 6, 2009. The City of Atwater has amended the Sewer Use Ordinance (SUO) to comply with NOV. New inter agency agreements to reflect amended Atwater SUO is anticipated to be complete by May 31, 2013.
- h. The City of Atwater had a budget of \$20,000.00 for pretreatment program implementation activities in 2011/12. In addition \$17,500 was budgeted for a local limit update if needed.

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**CITY OF ATWATER CALIFORNIA  
WASTEWATER TREATMENT PLANT**

**INDUSTRIAL PRETREATMENT  
ANNUAL REPORT  
JANUARY-DECEMBER 2013  
NPDES # CA0085308 WDR Order #R5-2011-0082**

**SUBJECT:** 2013 Annual Industrial Pretreatment Program Reporting Requirements governed by Reporting Program Order No. R5-2011-0082. Attachment E-Monitoring and Reporting Program X.5.a-h:

**INTRODUCTION**

This report is submitted in accordance with the requirements of the City of Atwater Wastewater Treatment Plant NPDES Permit #CA0085308 and provides information on the status of the program and activities conducted during the calendar year 2013. The report lists the permitted industrial users and their compliance status and summarizes enforcement actions, inspections, site visits, and City monitoring activities.

The program currently has one Significant Industrial Users (SIU).

**FACILITY DESCRIPTION**

The Atwater Regional Wastewater Treatment Plant (RWWTP) is 6.0 MGD tertiary treatment plant. The facility includes grit and screenings removal at the plant headwork's, followed by secondary treatment in oxidations ditches and clarifiers. Tertiary treatment is provided by aquadisk cloth fiber filtration and disinfection with UV. Solids are aerobically digested, dewatered with rotary presses, and further dried on concrete drying bed. After drying and at least annually solids are land applied at Merced County permitted site.

**DISCUSSION OF ORGANIC COMPOUND TESTING**

A summary of influent and effluent analytical results is entered in CIWQS and attached.

**UPSET, INTERFERENCE AND/OR PASS THOUGH**

No upset or bypass was attributed or suspected to be caused by industrial users.

**BASELINE MONITORING**

No industrial users were notified of baseline monitoring report requirements.

## **INDUSTRIAL USER STATUS**

One Industrial discharger is currently discharging to the Atwater Wastewater Treatment Plant.

Company Name: Jim's Farms Meats, 5881 N. Winton Way Winton, CA 95388

Jim's Farm Meats is a Swine slaughterhouse. The Winton Water and Sanitary District (WWSD) have adopted the Atwater Pretreatment Program and are monitoring Jim's Farm Meats. WWSD supplied monitoring data from JFM to discharger which demonstrate that JFM consistently achieved compliance.

## **INSPECTION AND SAMPLING PROGRAM**

WWSD monitors JFM for flow, BOD, TSS pH, and Oil & Grease. Samples were collected in January, February, April, May, and July September, October, and December. A sample was analyzed in December 2012 for Atwater local limits. Results did not exceed limits.

City of Atwater and WWSD staff performed a scheduled inspection of Jim's Farms Meats (JFM) at 5881 N. Winton Way, Winton CA 95388 on December 13, 2013. Inspection found JFM in compliance with requirements and in good condition. No violations were found. Samples of wastewater were not taken at inspection. Inspections will proceed annually.

## **ENFORCEMENT ACTIONS**

No compliance or enforcement activities took place in 2013.

## **PRETREATMENT PROGRAM AUDITING**

Tetrattech Inc. performed a pretreatment compliance audit in May of 2009. A Notice of Violation (NOV) was issued on August 6, 2009. The City of Atwater has amended the Sewer Use Ordinance (SUO) to comply with NOV. New inter agency agreement with Winton Water and Sanitary District that reflects amended Atwater SUO was completed on July 22, 2013.

## **PRETREATMENT BUDGET**

The City of Atwater had a budget of \$20,000.00 for pretreatment program implementation activities in 2013/14. In addition \$17,500 was budgeted for a local limit update if needed.

## **PRETREATMENT PROGRAM UPDATES**

In December 2013 a review of the local telephone directory was conducted for possible industrial users in the Atwater, CA service area. Surveys were mailed to the identified companies. A process has been established to follow up on these surveys in order to conduct a classification and/or inclusion in the pretreatment program.

## REPORT SUBMISSION

*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*



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**CITY OF ATWATER CALIFORNIA  
WASTEWATER TREATMENT PLANT**

**INDUSTRIAL PRETREATMENT  
ANNUAL REPORT  
JANUARY-DECEMBER 2014  
NPDES # CA0085308 WDR Order #R5-2011-0082**

**SUBJECT:** 2014 Annual Industrial Pretreatment Program Reporting Requirements governed by Reporting Program Order No. R5-2011-0082. Attachment E-Monitoring and Reporting Program X.5.a-h:

**INTRODUCTION**

This report is submitted in accordance with the requirements of the City of Atwater Wastewater Treatment Plant NPDES Permit #CA0085308 and provides information on the status of the program and activities conducted during the calendar year 2014. The report lists the permitted industrial users and their compliance status and summarizes enforcement actions, inspections, site visits, and City monitoring activities.

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**DISCUSSION OF ORGANIC COMPOUND TESTING**

A summary of Biosolids, influent and effluent analytical results are entered in CIWQS and attached.

**UPSET, INTERFERENCE AND/OR PASS THROUGH**

No upset or bypass was attributed or suspected to be caused by industrial users.

**BASELINE MONITORING**

No industrial users were notified of baseline monitoring report requirements.

## **INDUSTRIAL USER STATUS**

One Industrial discharger is currently discharging to the Atwater Wastewater Treatment Plant.

Company Name: Jim's Farms Meats, 5881 N. Winton Way Winton, CA 95388

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WWSD monitors JFM for flow, BOD, TSS pH, and Oil & Grease. Samples were collected in January, March, June, and September. A sample was analyzed in March for Atwater local limits. Results did not exceed limits.

City of Atwater and WWSD staff performed a scheduled inspection of Jim's Farms Meats (JFM) at 5881 N. Winton Way, Winton CA 95388 on December 13, 2013. Inspection found JFM in compliance with requirements and in good condition. No violations were found. In 2014 a scheduled inspection did not take place but staff visually observed operation while sampling wastewater discharges on three separate occasion which included discussions with the discharger and no changes in operation were observed. Scheduled inspection will take place in 2015.

## **ENFORCEMENT ACTIONS**

No compliance or enforcement activities took place in 2014.

## **PRETREATMENT PROGRAM AUDITING**

Tetrtech Inc. performed a pretreatment compliance audit in May of 2009. A Notice of Violation (NOV) was issued on August 6, 2009. The City of Atwater has amended the Sewer Use Ordinance (SUO) to comply with NOV. New inter agency agreement with Winton Water and Sanitary District that reflects amended Atwater SUO was completed on July 22, 2013.

## **PRETREATMENT BUDGET**

The City of Atwater had a budget of \$20,000.00 for pretreatment program implementation activities in 2013/14. In addition \$17,500 was budgeted for a local limit update if needed.

## **PRETREATMENT PROGRAM UPDATES**

In December 2013 a review of the local telephone directory was conducted for possible industrial users in the Atwater, CA service area. Surveys were mailed to the identified companies. In 2014 responses to December 2013 survey were received. No new industrial users were identified. A process has been established to follow up on these surveys in order to conduct a classification and/or inclusion in the pretreatment program.

## REPORT SUBMISSION

*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*



---

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**Compliance Samples**

Samples are collected from Significant Industrial Users that are not in violation of either local or federal standards to verify that the industrial user is maintaining compliance, or for checking parameters other than those in violation.

**Enforcement Samples**

Samples are collected from Significant Industrial Users that have violated either local and/or federal standards. Enforcement samples are collected at an increased frequency in accordance with the enforcement levels established in the Enforcement Response Plan (ERP). These samples are subject to cost recovery. After a violating industry completes all planned corrective actions, as outlined in its compliance schedule, and has passed a compliance check by the POTW, enforcement sampling will continue as appropriate to the level of enforcement and in accordance with the ERP. An industrial user that has maintained compliance for six (6) consecutive months following a successful compliance check is transferred back to the continued compliance monitoring schedule.

The sampling columns – Planned, Compliance, and Enforcement – indicate the total number of sampling events that occurred in a particular quarter.

TOTALS

A comparison of inspection and monitoring activities from 2008 to 2014 is shown in the table below.

ACTIVITY	2008	2009	2010	2011	2012	2013	2014
Number of SIUs (beginning the first quarter)	42	43	41	40	38	38	38
Number of SIUs (ending fourth quarter)	43	41	41	38	38	38	37
Planned Inspections	44	43	140	137	126	152	145
Compliance Inspections	150	159	164	145	141	158	155
Enforcement Inspections	28	13	8	7	14	13	14
Total Inspections	178	172	172	152	155	171	169
Planned Samples	1172	1240	1387	1120	1122	1244	1104
Compliance Samples	1183	1245	1371	1114	1092	1222	1067
Enforcement Samples	57	38	23	23	22	26	46
Total Samples Collected	1240	1283	1394	1137	1114	1248	1113

## **SUMMARY OF SIGNIFICANT CHANGES**

The following changes occurred in 2014.

### **ELECTRICAL CONDUCTIVITY POLICY DEVELOPMENT**

Violations of the monthly discharge requirements for Electrical Conductivity (EC), as established in Waste Discharge Requirements Order No. 5-01-254, occurred each month during the calendar year 2014. All industrial users continue to be monitored for EC. Wastewater Management staff continues to work with industrial users to identify sources of salinity and to take the steps necessary to minimize the discharge of high EC wastestreams. Wastewater Management has design approval for an advanced/tertiary treatment system for the treatment of a portion of the final effluent.

The "Salt is Serious" campaign, initiated on May 10, 2007, continues. The campaign is designed to educate the general public on the use of products which contain fewer salts, and thereby reduce the need for advanced treatment at the POTW. The campaign is available to the public upon request in the form of brochures and in newsletter format which can be placed inside monthly billing statements.

### **CITY OF FRESNO PRETREATMENT PROGRAM**

The City of Fresno is currently operating under the revised Pretreatment Program submitted to the CRWQCB 02 April 2009, effective May 18, 2009, as approved in accordance with 40 CFR 403.18(d)(3).

### **SIGNIFICANT INDUSTRIAL USERS**

At the beginning of the first quarter 2014, there were thirty-eight (38) Significant Industrial Users (SIUs). One (1) Industrial User was reclassified as a commercial facility. At the end of the fourth quarter, there were thirty-seven (37) SIUs in the Fresno-Clovis metropolitan area with a Class I Wastewater Discharge Permit.

### **STAFFING – ENVIRONMENTAL SERVICES SECTION (ESS)**

There were changes in staffing of the Environmental Services Section (ESS) during calendar year 2014. One Environmental Control Officer position was vacated, and has been filled by a Laboratory Technician. The vacated Laboratory Technician position has not been filled. One Laboratory Assistant position remains vacant.

In summary, at the end of the fourth quarter 2014 the Environmental Services Section staff includes one (1) Chief of Wastewater Environmental Services, one (1) Water Systems Telemetry and Distributed Control Specialist, one (1) Supervising Environmental Control Officer, six (6) Environmental Control Officers, one (1) Reclamation Coordinator, one (1) Senior Account Clerk, two (2) Senior Laboratory Technicians, two (2) Inorganic Chemists, seven (7) permanent, full-time Laboratory Technicians I/II, one (1) vacant Laboratory Technician, and one (1) vacant Laboratory Assistant, representing a staff of twenty-four (24) positions. The Collections Section consists of two (2) Collection System Maintenance Supervisors, four (4) Collection System Maintenance Operator (CSMO) III Lead-workers, twelve (12) CSMO III workers, and fifteen (15)

## ANNUAL PRETREATMENT BUDGET

Total expenditures for 2014 represent all costs related to the execution of the pretreatment program and are grouped in the following areas:

- Total personnel costs associated within the Pretreatment subcategory of the treatment facility budget
- Personnel costs within the Laboratory subcategory for those activities associated with analyses of pretreatment samples
- Membership and activities in various pretreatment-based organizations
- Various equipment, supplies and services associated with the Pretreatment Program
- All interdepartmental charges associated with the Pretreatment Program
- Overhead costs, including fuel, vehicle maintenance, energy costs, etc.

The pretreatment program for 2014 incurred expenditures totaling \$571,045. Funding for these expenditures is partially offset by pretreatment surcharges, cost recovery charges and administrative penalties, which total \$436,521. The remainder of the funding comes from the Pretreatment section of the City of Fresno Wastewater Management Division annual budget.

## **SUMMARY OF SIGNIFICANT CHANGES**

The following changes occurred in 2013.

### **ELECTRICAL CONDUCTIVITY POLICY DEVELOPMENT**

Violations of the monthly discharge requirements for Electrical Conductivity (EC), as established in Waste Discharge Requirements Order No. 5-01-254, occurred each month during the calendar year 2013. All industrial users continue to be monitored for EC. Wastewater Management staff continues to work with industrial users to identify sources of salinity and to take the steps necessary to minimize the discharge of high EC wastestreams. Wastewater Management has design approval for an advanced/tertiary treatment system for the treatment of a portion of the final effluent.

The "Salt is Serious" campaign, initiated on May 10, 2007, continues. The campaign is designed to educate the general public on the use of products which contain fewer salts, and thereby reduce the need for advanced treatment at the POTW. The campaign is available to the public upon request in the form of brochures and in newsletter format which can be placed inside monthly billing statements.

### **CITY OF FRESNO PRETREATMENT PROGRAM**

The City of Fresno is currently operating under the revised Pretreatment Program submitted to the CRWQCB 02 April 2009, effective May 18, 2009, as approved in accordance with 40 CFR 403.18(d)(3).

### **SIGNIFICANT INDUSTRIAL USERS**

At the beginning of the first quarter 2013, there were thirty-eight (38) Significant Industrial Users (SIUs). There were no changes in status for any current Industrial Users, and no additional SIUs added or current SIUs ceasing operations, therefore the number of SIUs in the Fresno-Clovis metropolitan area with a Class I Wastewater Discharge Permit at the end of the fourth quarter remains at thirty-eight (38) industries.

### **STAFFING – ENVIRONMENTAL SERVICES SECTION (ESS)**

There were changes in staffing of the Environmental Services Section (ESS) during calendar year 2013. The vacant Reclamation Coordinator position has been filled. One Laboratory Technician position was vacated, and has been filled through the interview process by the Laboratory Assistant, leaving the Laboratory Assistant position vacant.

In summary, at the end of the fourth quarter 2013 the Environmental Services Section staff includes one (1) Chief of Wastewater Environmental Services, one (1) Water Systems Telemetry and Distributed Control Specialist, one (1) Supervising Environmental Control Officer, six (6) Environmental Control Officers, one (1) Reclamation Coordinator, one (1) Senior Account Clerk, two (2) Senior Laboratory Technicians, two (2) Inorganic Chemists, seven (7) permanent, full-time Laboratory Technicians I/II, and one (1) vacant Laboratory Assistant, representing a staff of twenty-two (22) positions. The Collections Section consists of two (2) Collection System Maintenance Supervisors, four (4) Collection System Maintenance Operator (CSMO) III Lead-workers, twelve (12) CSMO III workers, and sixteen (16) CSMO II workers, for a staff of

## **ANNUAL PRETREATMENT BUDGET**

Total expenditures for 2013 represent all costs related to the execution of the pretreatment program and are grouped in the following areas:

- Total personnel costs associated within the Pretreatment subcategory of the treatment facility budget
- Personnel costs within the Laboratory subcategory for those activities associated with analyses of pretreatment samples
- Membership and activities in various pretreatment-based organizations
- Various equipment, supplies and services associated with the Pretreatment Program
- All interdepartmental charges associated with the Pretreatment Program
- Overhead costs, including fuel, vehicle maintenance, energy costs, etc.

The pretreatment program for 2013 incurred expenditures totaling \$733,276. Funding for these expenditures is partially offset by pretreatment surcharges, cost recovery charges and administrative penalties, which total \$421,431. The remainder of the funding comes from the Pretreatment section of the City of Fresno Wastewater Management Division annual budget.

## **SUMMARY OF SIGNIFICANT CHANGES**

The following changes occurred in 2012.

### **ELECTRICAL CONDUCTIVITY POLICY DEVELOPMENT**

Violations of the monthly discharge requirements for electrical conductivity (EC), as established in Waste Discharge Requirements Order No. 5-01-254, occurred each month during the calendar year 2012. All industrial users continue to be monitored for EC. Wastewater Management staff continues to work with industrial users to identify sources of salinity and to take the steps necessary to minimize the discharge of high EC wastestreams. Wastewater Management staff is exploring options for advanced/tertiary treatment of final effluent.

The "Salt is Serious" campaign, initiated on 10 May 2007, continues. The campaign is designed to educate the general public on the use of products which contain fewer salts, and thereby reduce the need for advanced treatment at the POTW. The campaign is available to the public upon request in the form of brochures and in newsletter format which can be placed inside monthly billing statements.

### **CITY OF FRESNO PRETREATMENT PROGRAM**

The City of Fresno is currently operating under the revised Pretreatment Program submitted to the CRWQCB 02 April 2009, effective 18 May 2009, as approved in accordance with 40 CFR 403.18(d)(3).

### **SIGNIFICANT INDUSTRIAL USERS**

At the beginning of the first quarter 2012, there were thirty-eight (38) Significant Industrial Users (SIUs). During the calendar year 2012 one (1) SIU ceased operations, one (1) SIU was reclassified as a commercial user, and two (2) Class II Industrial Users were reclassified as Class I SIUs. As a result, there was no net gain or loss in SIUs; the number of SIUs in the Fresno-Clovis metropolitan area with a Class I Wastewater Discharge Permit at the end of the fourth quarter remains at thirty-eight (38) industries.

### **STAFFING – ENVIRONMENTAL SERVICES SECTION (ESS)**

There were no significant changes in staffing of the Environmental Services Section (ESS) during calendar year 2012. The vacant Reclamation Coordinator position was filled briefly, and is once again vacant. One senior Account Clerk position was vacated due to retirement; the position was reassigned to another section. A temporary Laboratory Assistant position was filled briefly. Upon the resignation of the temporary employee, a permanent Laboratory Assistant position was added and has been filled. The six Collection System Maintenance Operator (CSMO) I workers were promoted through non-competitive testing to CSMO II.

In summary, at the end of the fourth quarter 2012 the Environmental Services Section staff includes one (1) Chief of Wastewater Environmental Services, one (1) Water Systems Telemetry and Distributed Control Specialist, one (1) Supervising Environmental Control Officer, six Environmental Control Officers, one (1) vacant Reclamation Coordinator, one (1) Senior Account Clerk, two (2) Senior Laboratory Technicians, two (2) Inorganic Chemists, seven (7) permanent, full-time Laboratory Technicians I/II, and one (1) Laboratory Assistant, representing

## ANNUAL PRETREATMENT BUDGET

Total expenditures for 2012 represent all costs related to operating and maintaining the pretreatment program and are grouped in the following areas:

- Total personnel costs associated within the Pretreatment subcategory of the treatment facility budget
- Personnel costs within the Laboratory subcategory for those activities associated with analyses of pretreatment samples
- Membership and activities in various pretreatment-based organizations
- Various supplies and services associated with the Pretreatment Program
- All interdepartmental charges associated with the Pretreatment Program
- Overhead costs, including fuel, vehicle maintenance, energy costs, etc.

The pretreatment program for 2012 incurred expenditures totaling \$580,949. Funding for these expenditures are partially offset by pretreatment surcharges and enforcement charges, which total \$406,245. The remainder of the funding comes from the Pretreatment section of the City of Fresno Wastewater Management Division annual budget.

**4.e – SUMMARY OF SAMPLING ACTIVITIES**

In 2012, the City of Merced Environmental Control Division managed a pretreatment program that consisted of twenty-six (26) permitted dischargers. Two (2) dischargers were classified as categorical industrial users (CIUs). Two (2) were classified as significant industrial users (SIUs). Three (3) were classified as industrial users – dry cleaners. Nineteen (19) were classified as industrial users – septic tank cleanings.

During 2012, all permitted discharger compliance sampling was performed by the City of Merced.

Zero dischargers are monitored with a Quarterly Compliance Report certifying their compliance status. The Quarterly Compliance Report is due on the 10<sup>th</sup> day of the second month following the quarter. Zero Discharge Federal Categorical facilities are inspected once per year to verify that there is no discharge of regulated process wastewater to the sanitary sewer system.

Hauled wastewater discharged at the Wastewater Treatment Facility is monitored with a Waste Hauler Manifest form and is sampled prior to discharge.

See Attachment 4e.

**4.f – SUMMARY OF COMPLIANCE AND ENFORCEMENT ACTIVITIES**

Monitoring, Inspection, Violation, and Status: Federal Categorical & Significant Industrial Users:

**Categorical Industrial Users - (C.I.U.)**

Facility	Quarter <sup>1</sup>	Compliance Status <sup>2</sup>	Inspections	No. Sampling Events	Enforcement			Comments
					No. of Violations	No. of NOV's	Violation Fees	
Greif IP&S, LLC	1st	C		12	0	0	0	
2400 Cooper Avenue	2nd	C		15	0	0	0	
Merced, CA 95340	3rd	C	1	13	0	0	0	
	4th	C		12	0	0	0	
Category: 40 CFR 433		Totals	1	52	0	0	\$0.00	
Permit No. 94143								
Expires: 12/31/12								
Wellmade Products	1st	C		1	0	0	0	
1715 Kibby Road	2nd	C		1	0	0	0	
Merced, CA 95340	3rd	C	1	1	0	0	0	
	4th	C		1	0	0	0	
Category: 40 CFR 433		Totals	1	4	0	0	\$0.00	
Permit No. 94177								
Expires: 12/31/12								

See Table endnotes



***INDUSTRIAL USERS – SEPTIC TANK CLEANINGS (continued)***

- 16) **Waste Management**, 730 Industrial Way, Atwater, CA 95301
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.
- 17) **F.L.C. Portable Restrooms**, 466 Amy St., Merced, CA 95341
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.
- 18) **Kalifornia Gold Ag. Services** 28777 Ave. 13 Madera, CA 93638
  - a. Subject to local limits only.
  - c. Consistently achieved compliance.

***4.d (ii) – PRETREATMENT PROGRAM AUDIT COMPLIANCE STATUS***

An Industrial Pretreatment Compliance Audit was performed, by Tetra Tech and Cannon & Cannon, Inc. on March 25 & 26, 2013. A report was written by CD Smith and submitted to the Regional Water Quality Control Board for review. The Pretreatment Compliance Audit report listed a few deficiencies that are in the process of being corrected. A timeline schedule was submitted to the Regional Water Quality Control Board listing the implementation and corrective action of the deficiencies.

On October 28, 2013, the Water Quality Control Staff realized that the industrial log book was missing, which contained monitoring information from January to October 2013. The book has never been recovered, fortunately two excel spreadsheets exist; one contains data of the weekly monitoring and the other contains quarterly sampling events. Data lost is from October 25<sup>th</sup> to 31<sup>st</sup>. A new monitoring log book has been established as of November 1, 2013.

***4.e – SUMMARY OF SAMPLING ACTIVITIES***

In 2013, the City of Merced Water Quality Division managed a pretreatment program that consisted of twenty-five (25) permitted dischargers. One (1) discharger is classified as categorical industrial users (CIUs). One (1) Zero discharger is classified as categorical industrial users (CIUs). Two (2) are classified as significant industrial users (SIUs). Three (3) are classified as industrial users – dry cleaners. Eighteen (18) are classified as industrial users – septic tank cleanings.

During 2013, all permitted discharger compliance sampling was performed by the City of Merced.

Zero dischargers are monitored with a Quarterly Compliance Report certifying their compliance status. The Quarterly Compliance Report is due on the 10<sup>th</sup> day of the second month following the quarter. Zero Discharge Federal Categorical facilities are inspected once per year to verify that there is no discharge of regulated process wastewater to the sanitary sewer system.

1. Hauled wastewater discharged at the Wastewater Treatment Facility is monitored with a pumping system, which will be the only means for discharging sludge. All septic hauler vehicles must be equipped with a 4" quick disconnect. An inline pH meter will control the valve, if pH falls out of range (outside of 6-10), the valve will automatically shut off, and discharger will not be able to dump. Each truck will receive an assigned septic card, and it must stay with the assigned truck. All haulers will be charged according to full tank capacity.

4.h SUMMARY OF ANNUAL PRETREATMENT BUDGET

FORM NO. 553  
ACCOM NO. 1129

Environmental Control					
EXPENSES	Actual 2010-11	Actual 2011-12	Final Budget 2012-13	City Mgr. Budget 2013-14	Council Approval 2013-14
Personnel Expenses	262,951	275,499	306,011	306,000	330,000
Supplies and Services	201,250	230,943	219,255	278,510	275,310
Lab Service	0	0	0	0	0
Acquisitions	0	0	0	0	0
Capital Improvements	5,104	3,276	0	0	0
<b>TOTAL</b>	<b>469,305</b>	<b>509,718</b>	<b>525,266</b>	<b>584,510</b>	<b>605,310</b>

FINANCING SOURCES	Actual 2010-11	Actual 2011-12	Final Budget 2012-13	Estimated 2013-14
Industrial Pretreatment	123,100	125,367	116,000	124,000
Industrial Penalties	400	0	150	150
Monitoring Wells Insp Fees	675	0	600	675
Monitor Industrial Users	0	0	100	100
PERS EE Share 2.5% of DC	4,970	0,233	14,650	14,944
PERS EE Share 2% of WZ	0	0	0	1,952
Unclassified	195	4,107	500	1,000
Interdept DSR-Refuse	0	0	0	500
Other Revenues	219,660	341,676	423,057	466,707
<b>TOTAL</b>	<b>468,920</b>	<b>512,383</b>	<b>557,867</b>	<b>608,178</b>

PERSONNEL  
Number of Positions

Classification	Funded In Budget 2012-13	City Mgr. Budget 2013-14	Council Approval
P.M. Manager - Inbr	.10	.10	.10
P.M. Manager - Hostmaster	.10	.10	.10
Environmental Control Ofc 1/11	3.03	3.03	3.00
Lab/Envir. Sci Svcr.	.35	.35	.35
<b>TOTAL</b>	<b>3.58</b>	<b>3.58</b>	<b>3.55</b>



***INDUSTRIAL USERS – SEPTIC TANK CLEANINGS CONTINUED***

- 14) **Central Valley Septic**, P.O. Box 544, Denair, CA 95316
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.
- 15) **Silver Farm Inc. Portables**, 1120 Commerce Ave. #158, Atwater, CA 95301
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.
- 16) **AmeriGuard Maintenance Svcs. LLC**, P.O. Box 12486, Fresno, CA 93778
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.
- 17) **Windmill Septic**, P.O. Box 839, Ripon, CA 95366
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.
- 18) **Andrade FLC Inc.**, P.O. Box 1327, Planada, CA 95365
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.
- 19) **Roto Rooter Plumbers**, 2141 Industrial Ct, Ste. B, Vista, CA 92081
  - a. Subject to local limits only.
  - b. Consistently achieved compliance.

***4.f – FULL QUARTERLY REPORT***

This section shall serve as a letter certifying all industries are in compliance and no violations or changes to the pretreatment program have occurred during the 4<sup>th</sup> quarter of 2014.

***4.g – SUMMARY OF INSPECTION AND SAMPLING ACTIVITIES***

In 2014, the City of Merced Water Quality Division managed a pretreatment program that consisted of thirty (30) permitted dischargers. One (1) discharger is classified as categorical industrial users (CIUs). One (1) is classified as categorical industrial user (CIUs) Zero Discharger. Four (4) are classified as significant industrial users (SIUs). Three (3) are classified as industrial users – dry cleaners. Two (2) are classified as Industrial Users – Zero Dischargers. Nineteen (19) are classified as industrial users – septic tank cleanings. All permitted discharger compliance sampling was performed by the City of Merced.

Zero dischargers are monitored with a Quarterly Compliance Report certifying their compliance status. The Quarterly Compliance Report is due on the 1st day of the second month following the quarter. Zero Discharge (All Industrial Dischargers) Federal Categorical facilities are inspected once per year to verify that there is no discharge of regulated process wastewater to the sanitary sewer system. See attachment 4.e for sampling and inspection results.

Hauled wastewater discharged at the Wastewater Treatment Facility is monitored with a pumping system. All septic hauler vehicles must be equipped with a 4” quick disconnect. An inline pH meter will control the valve, if pH falls out of range (outside of 6-10), the valve will automatically shut off.

