

Central Valley Regional Water Quality Control Board

12 April 2012

CERTIFIED MAIL
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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 4th quarter monitoring is to be included with the annual report).
- 2nd Quarter 2008 Pretreatment – not received – due 21 July 2008
 - 3rd Quarter 2008 Pretreatment – not received – due 21 October 2008
 - 2nd Quarter 2009 Pretreatment – not received – due 21 July 2009
 - 3rd Quarter 2009 Pretreatment – not received – due 21 October 2009
 - 1st Quarter 2010 Pretreatment – not received – due 21 April 2010
 - 2nd Quarter 2010 Pretreatment – not received – due 21 July 2010
 - 3rd Quarter 2010 Pretreatment – not received – due 21 October 2010
 - 1st Quarter 2011 Pretreatment – not received – due 21 April 2011
 - 3rd 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.



WARREN W. GROSS
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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