



## MALAGA COUNTY WATER DISTRICT

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### BOARD OF DIRECTORS

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April 1, 2014

Warren W. Gross, Senior Engineering Geologist  
Central Valley Regional Water Quality Control Board  
1685 E. Street  
Fresno, CA 93706

Dear Mr. Gross:

This letter is in response to the document entitled "Notice of Violation" issued by the Central Valley Regional Water Quality Control Board ("CVRWQCB") on February 14, 2014, which requested that the Malaga County Water District ("District") "submit a report of the District's plan to correct the identified violations and properly address each of the PCA Final Summer Reports Recommendations." The District strongly objects to and disagrees with the conclusory statements that "[t]he violations and deficiencies listed are excessive. Many are significant and chronic violations are brought to the District's attention via the 18 February 2010 Pretreatment Compliance Inspection, the 12 July 2012 Follow-up Pretreatment Inspection, and again in the 13 September 2013 Notice of Violation." Notwithstanding the foregoing and without admitting that any of the listed "requirements" or "recommendations" are violations, the District submits the following report in response to the February 14, 2014, Notice of Violation:

### ***Response to Requirement No. 1:***

It appears from this "requirement" that the District is being asked to perform a local limits evaluation to determine if local limits are required and, if so, develop local limits. If the District is being directed to perform a local limits evaluation, and the District estimates that such an evaluation will take approximately four months to complete and a recommendation and report to the Board of Directors detailing whether or not the District should adopt new local limits, and what those limits should be, could be prepared and presented to the Board on or before July 22, 2014. Local limits are being considered and may be developed.

SUO. The requirement further states that "the District is required to review its draft SUO to ensure that its definitions meet the requirements of the respective federal definitions." This purported requirement appears to be redundant in that the District, the CVRWQCB, and the EPA have all reviewed all of the definitions contained in the draft SUO for compliance.

The foregoing notwithstanding, the District did review the definitions contained in its draft SUO and revised the definition of industrial user to comply with the definition contained in section 40 CFR 403.3(j).

***Response to Requirement No. 5:***

This requirement appears to be based on review of the District's draft ordinance, which was not in effect on the date of the inspection or the date of the Notice of Violation, which was submitted to the CVRWQCB for review pursuant to 40 CFR 403.18(d). The CVRWQCB did not approve or disapprove of the modification.

The District's SUO's specific prohibitions on wastewater discharges as set forth in Section 3.05.030(B) have been revised to be consistent with 40 CFR 403.5(b) as they appear in the adopted SUO.

***Response to Requirement No. 6:***

The District is in the process of preparing a plan for the issuance, review, and re-issuance of discharge permits to all non-residential dischargers discharging into the District's POTW. It is anticipated that this plan will include, at a minimum, procedures to: identify IU's; classify IU's as either Class 1 or Class 2; manage issue, effective, and expiration dates; determine whether a Slug Discharge Control Plan will be required review of self monitoring requirements; review and evaluate permit requirements, manage all required/necessary documentation, and re-issuance of permits. It is further anticipated that the Pretreatment Program and Permit Management Plan ("PPPMP") will be completed, and in effect on or before June 30, 2014.

***Response to Requirement No. 7:***

In conjunction with the preparation of a new SUO, the District has also revised its SUO permit to conform to the new SUO, which was provided to the CVRWQCB. The foregoing notwithstanding, the District is in the process of preparing a plan to manage permits (see, Response to Requirement No. 6, incorporated by reference). The current permit for SIU Rock Tenn is attached hereto and incorporated by this reference herein as Exhibit A. The current permit for SIU Rio Bravo Fresno is attached here and incorporated by this reference herein as Exhibit B. The current permit for SIU Stratas Foods is attached hereto and incorporated by this reference herein as Exhibit C. The current permit for SIU PPG is attached hereto and incorporated by this reference herein as Exhibit D. The current permit for SIU Air Products is attached hereto and incorporated by this reference as Exhibit E. The current permit for IU Fresno Truck Wash is attached hereto and incorporated by this reference herein as Exhibit F. The current permit for Inland Star is

***Response to Requirement No. 14:***

The requirement that IU Fresno Truck Wash develop a Slug Discharge Plan has been set forth in the IU's discharge permit and in a compliance order attached hereto and incorporated by this reference herein as Exhibit H.

***Response to Requirement No. 15:***

The District will review the Inland Star facility, review the SIU's spill response plan, and evaluate the facility for the need of a Slug Discharge Control Plan in March 2014 and prepare a report on the same on or before April 15, 2014.

***Response to Requirement No. 16:***

The District will review the Inland Star distribution facility to evaluate the SUO's repacking operations to ensure that waste generated from the repacking process is properly managed and not discharged into the POTW in March 2014 and prepare a report on the same on or before April 15, 2014.

***Response to Requirement No. 17:***

The District will inspect the PPG Industries facility to determine if the SUO's discharge monitoring location and self-monitoring samples are representative solely of the facility's industrial wastewater discharge daily operations. If it is determined that the waste streams cannot be separated, an evaluation of a combined waste stream formula consistent with 40 CFR 403.6(e), on or before April 15, 2014, and prepare a report on the same, on or before May 1, 2014.

***Response to Requirement No. 18:***

See Response to Requirement No. 17, incorporated by reference.

***Response to Requirement No. 19:***

The District will inspect the Stratas Foods facility to determine if the SUO's discharge monitoring location and self-monitoring samples are representative solely of the facility's daily operations. If it is determined that the waste streams cannot be separated, an evaluation of a combined waste stream formula consistent with 40 CFR 403.6(e), on or before April 15, 2014, and prepare a report on the same, on or before May 1, 2014.

***Response to Requirement No. 20:***

The District will develop a system for managing self-monitoring reports as part of its PPPMP (see, Response to Requirement No. 6, incorporated by reference).

residences along with some other flyers to be distributed in the near future.

***Response to Recommendation No. 2:***

The District has reviewed its data and has determined that, using the higher protection limit test method, that mercury is not detectable at the District's Waste Water Treatment Plant. In the event that the District identifies a dental facility in its service area, the District will pursue developing best management practices pertaining to the management and disposal of dental mercury and amalgam.

***Response to Recommendation No. 3:***

In the event that any industrial laundry facilities begin operation in the District's service area, the District will develop best management practices and/or review the EPA's safer detergent's stewardship initiative.

***Response to Recommendation No. 4:***

The District will continue to evaluate its service area to determine if any changes are necessary to its FOG Program. The District will continue working with FSE's to ensure that FSE's have adequate grease removal devices that are properly maintained in order to protect the District's POTW. It is anticipated that the District will develop a schedule for conducting FSE inspections as part of its PPPMP.

***Response to Recommendation No. 5:***

The District will continue to use any and all methods it deems necessary to identify all potential non-domestic dischargers which may be subject to regulation by the District's pretreatment program. Identification of all non-domestic discharges will be part of the District's PPPMP.

***Response to Recommendation No. 6:***

The District's non-residential waste water discharge facility inspection record report has been updated. A copy of the updated facility inspection record is attached hereto as Exhibit K, incorporated by reference.

***Response to Recommendation No. 7:***

The District will conduct a follow-up inspection of the Air Products and Chemicals facility to determine whether or not the facility's secondary containment structure is appropriately sized for containing chemical spills or leaks and to determine whether or not the secondary containment structure is sound on or before April 30, 2014, and prepare a report on the same on or before May 15, 2014.

***Response to Recommendation No. 8:***

implementation of its pretreatment program and maintenance of records as part of its PPPMP.

***Response to Recommendation No. 17:***

The District will consider developing an education and outreach program as part of its PPPMP. Additionally, the District will consider, as part of its pretreatment program budget, appropriating funds for education and outreach.

***Response to Recommendation No. 18:***

The District will define the specific roles and duties of each employee and/or contractor under its pretreatment program as part of the PPPMP. The District has already begun the process of redirecting work and reports formerly done by the contract District Engineer to be done by the District.

Date: \_\_\_\_\_

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James D. Anderson  
General Manager  
Malaga County Water District