

PART 1 STANDARD CONDITIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this Individual Wastewater Discharge Permit (“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.

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. Permit Modification

The District may modify the Permit for good cause, including but not limited to, the following reasons:

- a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b) To address significant alterations or additions to the User’s operation, processes, or wastewater volume or character since the time of the individual wastewater discharge Permit issue;
- c) A change in any process or discharge condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d) Information indicating that the permitted discharge poses a threat to the Control Authority’s collection and treatment systems, POTW personnel or the receiving waters;
- e) Violation of any terms or conditions of the Permit;
- f) Misrepresentation or failure to disclose fully all relevant facts in the Permit application or in any required reporting;
- g) Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- h) To correct typographical or other errors in the Permit;
- i) To reflect of the facility ownership and/or operation to a new owner/operator; or
- j) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay or modify any Permit condition.

4. Retention of Records

The permittee shall maintain a copy of this Permit and Malaga Ordinance Code (“Malaga Code”) on file at 3350 S. Willow Ave., Fresno, CA 93725.

5. Permit Termination

This Permit may be terminated for the following reasons:

- a) Failure to notify the District of significant changes to the wastewater prior to the change discharge;
- b) Failure to provide prior notification to the District of changed conditions;
- c) Misrepresentation or failure to fully disclose all relevant facts in wastewater discharge Permit application;
- d) Falsifying self-monitoring reports and/or certification statements;
- e) Tampering with monitoring equipment;
- f) Refusing to allow timely access to the facility premises and records;
- g) Failure to meet effluent limitations;
- h) Failure to pay fines;
- i) Failure to pay sewer charges;
- j) Failure to meet compliance schedules;
- k) Failure to complete a wastewater survey or the wastewater discharge Permit application;
- l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m) Violation of any Pretreatment Standard or requirement including required BMPs, or any terms of the wastewater discharge Permit or the sewer use ordinance.

6. Notification and Reporting

The permittee shall notify the District prior to any new or changed discharge, and shall immediately notify the District at (559) 485-7353 of any wastewater discharge which is

not in compliance with this Permit or the Malaga Code, 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.

7. 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.

8. Facilities

The permittee shall make wastewater acceptable under the limitations of the Malaga Code 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 the Malaga Code. 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 excepts 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.

9. Right of Entry

Pursuant to the provisions of the Malaga Code, the permittee shall allow District personnel, upon the presentation of credentials, to enter upon any property or premises at all reasonable times for the purpose of:

- (a) Reviewing and copying any records required to be kept under the provisions of the Malaga Code;
- (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.

10. 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.

11. 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.

12. 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.

13. Enforcement and Penalties

Failure to comply with any of the provisions of this Permit, the Malaga Code, 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 Citations, Administrative Complaints, Administrative Hearings, Governing Board Hearings, Compliance Orders, Orders to Show Cause and civil penalties in an amount of not less than one thousand dollars (\$1,000) per day, per violation;
- (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.

14. Appeals

Any permittee affected by any decision, action, or determination, including Administrative Orders, issued by the District, interpreting or implementing the provisions of The Malaga Code or any permit or Order issued thereunder, may file with the District a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail in 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.

15. 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.

16. Definitions

- a) Composite Sample - A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot

as the flow increases while maintaining a constant time interval between the aliquots.

- b) Daily Maximum – The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- c) Daily Maximum Limit – The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- d) Grab Sample – An individual sample collected in less than 15 minutes, without regard for flow or time.
- e) Instantaneous Maximum Concentration – The maximum concentration allowed in any single grab sample
- f) Cooling Water –
 - 1) Uncontaminated – Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
 - 2) Contaminated – Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
- g) Monthly Average - The arithmetic mean of the values for effluent sample collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).
- h) Bi-Weekly – Once every other week.
- i) Bi-Monthly – Once every other month.
- j) Upset – Means an exceptional incident in which there is unintentional and temporary noncompliance with technology – based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
- k) Bypass – Means the intentional diversion of wastes from any portion of a treatment facility.

PART 2 DISCHARGE PROHIBITIONS AND LIMITATIONS

1. Standard Discharge Prohibitions

The permittee shall comply with all discharge prohibitions and limitations specified in the Malaga Code. 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

If a connection discharges less than 3,000 gpd and less than 25,000 gallons per month, the District may consider allowing an electroconductivity limit of up to 3,000 µmhos/cm maximum. Any final determination would be required to be in writing.

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				
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) _____ppm

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 (primarily boiler blow down) the TTO limits are not applicable.

Screening size 20 mesh/inch

Maximum Temperature – 150 °F

Gallons per day: correlated to sewer units for the facility.

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 the Malaga Code.
- (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 (refer to Exhibit for specific location) for the following parameters, at the indicated frequency:

Sample Parameter (units)	Measurement Location	Frequency	Sample Type
Flow (gpd)	001,	Daily	
TTO (mg/L)	See note ²	N/A	
BOD (mg/L)	001	June/December	Grab
TSS(mg/L)	001	June/December	Grab
Electroconductivity (µmhos/cm)	001	Continuous	Continuous
pH (s.u.)	001	June/December	Grab

(meter)¹ ¹Daily flows are to be recorded from the permittee’s flow meter.

(grab) ³A single grab sample of daily discharge.

- (b) 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 and all monitoring and reporting requirements of the Malaga Code.
- (b) All permittees subject to Federal categorical pretreatment standards shall comply with all applicable reporting requirements specified in 40CFR403.12.
- (c) The permittee shall immediately 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 the Malaga Code, or which might be reasonably judges to constitute a hazard to District personnel, the wastewater treatment system, or the environment.
- (c) The permittee shall immediately notify the District of any changes that occur at the facility affecting the potential for a Slug Discharge so that the POTW may reevaluate the need for a Slug Control Plan or other actions to prevent such Discharges.
- (e) Provide a site plan showing the location of all wastewater treatment facilities (grease traps, sand separators, etc.)

- (f) Monitor grease traps weekly (record scum and solids level)
- (g) As per Part 1 Section 4, maintain a log of all wastewater and solids removed from the premise. Include the destination of the hauled materials. Submit copies of the log on a quarterly basis to MCWD for the first year and annually thereafter.
- (h) 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 month 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, including measured maximum and average daily flows.

- (i) 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

- (i) Recordkeeping. Users subject to the reporting requirements of this Code shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Code, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under this Code. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the General Manager, or his or her designee.

PART 4 SPECIAL CONDITIONS

1. ByPass

Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the District, if possible at least ten days before the date of the bypass.

An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the District within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

An industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

2. Automatic Re-sampling

If the results of the permittee's wastewater analysis indicate that a violation of this Permit has occurred, the permittee must:

- (a) Inform the **Malaga County Water District** of the violation within 24 hours and
- (b) Repeat sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of becoming aware of the first violation.
- (c) Pursuant to the provisions of the Malaga Code, the District shall have the ability to sample and analyze any time the District deems appropriate.

3. Accidental Discharge Report

- a) The permittee must notify the **Malaga County Water District** immediately upon the occurrence of spills, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, slug loads or slug discharges, that might present potential problems for the POTW, or spills that might enter the public sewer. During

normal business hours the **Malaga County Water District** should be notified by telephone at 559-485-7353. The notification must include location of discharge; date and time of discharge; type of waste, including concentration and volume; and corrective actions taken. The permittee's notification of accidental release in accordance with this section does not relieve it of other reporting requirements that arise under local, state, or federal laws.

Within 5 days following an accidental discharge, the permittee shall submit to the **Malaga County Water District** a detailed written report. The report must specify:

- a) Description and cause of the upset, slug load, or accidental discharge; the cause thereof; and the impact on the permittee's compliance status. The description should also include location of discharge and type, concentration, and volume of waste.
- b) Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
- c) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.