

LATE REVISIONS – 4 December 2014

Item 10. Malaga County Water District, Malaga Wastewater Treatment Facility, Fresno County - Consideration of NPDES Permit Renewal (NPDES CA0084239) and Cease and Desist Order

**Waste Discharge Requirements/NPDES Permit:
Attachment F – Fact Sheet, Section II.B.3**

Pages F-5 and F-6, edit as follows:

In August 2013, the Central Valley Water Board requested updated information regarding the Facility's disposal capacity, and requested the Discharger provide the number of ponds that had received maintenance work and whether the work had affected disposal capacity (e.g., increased percolation rates). The Discharger's response did not include detailed information about which ponds had received maintenance work, and only indicated the Discharger intended to isolate one or more ponds to determine the current percolation rate. The Discharger did not submit subsequent documentation indicating whether it isolated disposal ponds to determine the percolation rate(s) until 27 October 2014. Additionally, the Discharger provided three tables showing the pond disposal capacity for three different percolation rates and three different flow rates. In the discussion section, the Discharger did not discuss the meaning of each percolation rate or each flow rate and only indicated that the ponds had capacity for disposing of current flows with a 1.0 inch per day percolation rate. There was no other discussion on how the 1.0 inch per day percolation rate was determined, or why each table had a different effluent flow rate with each different percolation rate. Due to the vagueness in the Discharger's response to the August 2013 letter, Central Valley Water Board staff used information from the Discharger's 2008 Study to calculate the disposal capacity of the ponds.

On 27 October 2014, as part of the public comment period for adoption of this Order, the Discharger submitted an internal memorandum from its consulting engineer addressed to the Discharger. The memorandum included information that may be useful in determining if the disposal ponds have a higher disposal capacity. The memorandum was resubmitted on 3 November 2014 with the signature and stamp of the engineer in responsible charge. On 19 November 2014, the Discharger submitted a proposed disposal pond maintenance plan. As of the adoption date of this Order, Central Valley Water Board staff had not had sufficient time to thoroughly review the Discharger's 27 October 2014 and 19 November 2014 technical submittals. However, if review of the technical information provided supports a higher effluent flow limitation to the disposal ponds, this Order allows the Executive Officer to approve a higher effluent flow limitation. However, the memorandum did not include a proposed pond maintenance program from the Discharger and there was also no communication from the Discharger on whether it agreed with the information in the memorandum and whether it intends on implementing the engineer's recommendations. This Order provides a path for the Discharger to provide necessary information and obtain approval prior to allowing a higher effluent flow to Discharge Point 002.

Based on the information in the July 2008 Study, which included the most complete and useful information, the estimated capacity of the disposal ponds is approximately 0.49 mgd, which is less than the average flow treated by the Facility between 2010-2013 of 0.65 mgd. This Order restricts the flow to the disposal ponds (Discharge Point 002) to 0.49 mgd as a monthly average unless the information requested in Provision VI.C.2.b is submitted and a higher flow limitation is approved by the Executive Officer. Additionally, this Order requires the Discharger to cease discharging to Central Canal during months when there are no irrigation water deliveries by **<permit expiration date>** (see Fact Sheet section VI.B.6.b). The lower flow effluent limitation for Discharge Point 002 and the requirement to cease

discharge to Central Canal during months when there are no irrigation water deliveries by **<permit expiration date>** puts the Discharger in threatened noncompliance with this Order because the disposal capacity of the disposal ponds alone is insufficient to accommodate flows coming into the Facility. The Central Valley Water Board issued Cease and Desist Order R5-2014-XXXX to ensure the Discharger addresses the threatened noncompliance and addresses its disposal capacity issues.

Cease and Desist Order
Finding No. 26

Page 6, edit as follows:

26. On 24 October 2013, Central Valley Water Board staff communicated with the general manager, Mr. Russ Holcomb, to again inquire on the status of the Discharger's response. At that time, Mr. Holcomb indicated the response would be sent in soon, but did not give a specific date. The Discharger provided a response on 29 October 2013. The response included updated disposal capacity estimates and vague information regarding the status of alternative disposal measures the Discharger had looked into. The Discharger also noted it had recently purchased approximately four acres of land near the Facility, but did not include detailed information about developing the land, such as a schedule or a description of the work that needs to be completed~~what it intends to do with the land or when it intends to do anything~~. The Discharger indicated it would provide information about which ponds had received maintenance work at a later date, and also indicated it was planning to isolate one or more ponds to determine percolation rates and would also provide that information at a later date. This information was not provided until 27 October ~~2014~~2013 (see Finding No. 27). Additionally, the response ~~was not clear~~did not include a discussion on how the Discharger estimated higher percolation rates for the revised disposal capacity than what it had previously used, considering the Discharger had not, to the best of Central Valley Water Board staff's knowledge, performed a study to determine new percolation rates for the ponds since 2007.

Page 7, edit as follows:

27. On 27 October 2014, the public comment due date for adoption of this Order, the Discharger provided an internal memorandum from its consulting engineer addressed to the Discharger. The memorandum included information regarding the disposal capacity of the ponds, and also included recommendations for the Discharger. The memorandum was resubmitted on 3-November 2014 with the signature and stamp of the engineer in responsible charge. On 19 November 2014, the Discharger submitted a proposed disposal pond maintenance plan. As of the adoption date of this Order, Central Valley Water Board staff had not had sufficient time to thoroughly review the Discharger's 27 October 2014 and 19 November 2014 technical submittals. However, if review of the technical information provided supports a higher effluent flow limitation to the disposal ponds, WDRs Order R5-2014-XXXX allows the Executive Officer to approve a higher effluent flow limitation. However, the memorandum did not include a proposed pond maintenance program from the Discharger and there was also no communication from the Discharger on whether it agreed with the information in the memorandum and whether it intends on implementing the engineer's recommendations. WDRs Order R5-2014-XXXX includes a path for the Discharger to provide necessary information and obtain approval prior to allowing a higher effluent flow to Discharge Point 002.
30. On 2 April 2014 and 1 May 2014, the Discharger provided responses to the 14 February 2014 Notice of Violation. The Discharger indicated it revised several documents that were deemed unsatisfactory during in the 14 February 2014 Notice of Violation that transmitted the

pretreatment compliance inspection/audit report, and included copies of some of the documents. The response indicated the Discharger would work on developing local limits and was working on conducting evaluations for slug discharges, among other things.

Page 9, edit as follows:

37. Central Valley Water Board staff provided a third review of all the submittals on 14 December 2012, which indicated the evaluation was still deficient. The review requested either a proposal to use additional data from existing wells in support of an evaluation of background conditions, or a work plan for an additional background well. The review also requested the Discharger submit a work plan for an additional downgradient well. On 15 February 2013, the Discharger's attorney responded to Central Valley Water Board staff's third review with a letter in which the attorney accused Central Valley Water Board staff of numerous things including harassing the Discharger. In the letter, the attorney indicated that nowhere in the evaluation did the Discharger ever mention installation of additional upgradient or downgradient wells, and questioned whether the that Central Valley Water Board has the authority to staff could not require the Discharger to install any of these wells. The letter did say the Discharger had installed an additional downgradient monitoring well but indicated the well was not yet operational because testing had not occurred. However, no other information was included, such as the location of the well, but the Discharger's attorney alluded to the Central Valley Water Board likely disagreeing with the location. Central Valley Water Board staff did not respond to the attorney's letter because the letter did not raise substantial new issues and the issues raised had already been discussed and addressed in previous correspondence from the Central Valley Water Board to the Discharger.

26 November 2014