



California Regional Water Quality Control Board

Central Valley Region

Steven T. Butler, Chair

FILE



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Fresno Branch Office

Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>
3614 East Ashlan Avenue, Fresno, California 93726
Phone (559) 445-5116 • FAX (559) 445-5910

NOTICE OF VIOLATION

Mr. Gerald Forde, General Manager
Malaga County Water District
3580 South Frank Street
Fresno, CA 93725

29 September 2000

MALAGA COUNTY WATER DISTRICT WASTEWATER TREATMENT FACILITY (WWTF), FRESNO COUNTY

Board staff inspected the subject facility on 1 August 2000 in response to a complaint alleging that wastewater was discharging from a failed pond levee onto a neighbor's property. The District violated and/or is in violation of the following sections of Waste Discharge Requirements (WDRs) Order No. 99-100:

1. Discharge Prohibition No. A.1 for discharging treated waste in a location different from that specified in the WDRs;
2. General Discharge Specification No. B.5 for failing to preclude public access to treated wastewater;
3. Discharge Specification No. D.3 for failing to maintain two feet of freeboard in the ponds;
4. Provision No. H.1 ("Standard Provision and reporting Requirements for WDRs (NPDES)," dated 1 March 1991 (hereafter Standard Provisions), General Provision No. A.13) for by-passing wastewater without meeting the required conditions for by-pass discharges;
5. Provision No. H.1 (Standard Provisions, General Reporting Requirement No. B.1) for failing to notify the Board of noncompliance;
6. Provision No. H.1 (Standard Provisions, Reporting Requirements for Monitoring No. D.6) for submitting self monitoring reports (SMRs) that are not appropriately signed and certified;
7. Provision No. H.1 for submitting incomplete SMRs; and
8. Provision No. H.10 for failing to submit all of the required reports to develop a pretreatment program (see enclosed sheet).

We understand that you are in the process of obtaining funding for the filters units necessary to provide your WWTF with the level of treatment necessary to enable discharges to the Central Canal under the NPDES portion of WDRs Order No. 99-100. Such discharges will increase the hydraulic capacity of the WWTF. However, discharges of wastewater in the manner observed during the subject inspection are unacceptable. Staff is considering further enforcement action due to Malaga's lack of WWTF capacity.

In regards to violation No. 6, please review the signatory requirements and required identifier code specified in the enclosed letter; and properly certify and sign all future SMRs. In regards to violation No. 7, review your Monitoring and Reporting Program. Please submit by **30 October 2000**, all delinquent monitoring data or a detailed explanation of why it is not available and immediately begin submitting complete SMRs.

By **30 October 2000**, please provide a written report of the measures you have employed and/or intend to employ to resolve the violations described above. Include an implementation schedule for each measure, as appropriate.

As you know, during February 2000 and a portion of March 2000, the District temporarily discharged to the Central Canal to alleviate the capacity conditions at the WWTF. During this period the discharges violated Discharge 001 (Central Canal) Specification No. C.3 by exceeding the tertiary effluent maximum daily chlorine residual and average monthly turbidity limits. The District should be aware that, effective January 2000; mandatory minimum penalties are specified for the types of violations reported for the WWTF during February 2000 and March 2000. These penalties may be assessed under separate cover.

A copy of the inspection report is enclosed for your review. If you have any questions, please call Alexis R. Phillips-Dowell at (559) 445-5500.



W. DALE HARVEY
Senior Engineer
RCE No. 55628

Enclosures

cc: Mr. Tom Huetteman, WTR-7, U.S. Environmental Protection Agency, Region 9,
San Francisco
Mr. John Youngerman, Division of Water Quality, State Water Resources Control Board,
Sacramento
Mr. John Norton, Compliance Assurance & Enforcement Unit, State Water Resources
Control Board, Sacramento
Mr. Gus Atkins, Division of Clean Water Programs, State Water Resources Control Board,
Sacramento
Mr. Tim L. Casagrande, Division Manager, Environmental Health System, Fresno County,
Fresno
Mr. Michael Taylor, Provost & Pritchard, Inc., Fresno
Mr. Chris Rank, Paul Evert's RV, Malaga



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Governor

GERALD W FORDE
MALAGA CWD
3580 S FRANK ST
FRESNO CA 93725

13 April 2000

SELF-MONITORING REPORT INFORMATION AND IDENTIFYING CODES FOR WASTE DISCHARGE REQUIREMENTS (WDRs) ORDER NO. 99-100

Please include your agency or business name, facility name, WDRs Order No., National Pollutant Discharge Elimination System number, and telephone number, as well as the following identifier on all self-monitoring reports (SMRs):

BVV7 – N2B

The above information needs to be included on both the cover letter (if applicable) and the monitoring report itself. Also, all monitoring reports must be properly certified and signed. The signatory requirements are described in more detail in Standard Provisions and Reporting Requirements for Waste Discharge Requirements that are incorporated into your WDR, by reference. The following signatory clause and an appropriate signature must be included with all SMRs.

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 assure 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 significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Laboratory analysis sheets should be included with but do not take the place of a self-monitoring report. Monitoring data must be submitted in tabular form so that the date, constituents, and the concentrations are readily discernible. The data needs to be summarized in a manner that clearly illustrates whether the discharge complies with the specified limits in the WDRs. Daily maximums for the month, monthly and weekly averages, and medians, as appropriate, should be determined and reported along with the specified limits. Where you are not meeting the limits, you need to provide an explanation.

If you have any questions, please contact Jill Walsh at (559) 445-5130.

W. DALE HARVEY
Senior Engineer
RCE No. 55628

California Environmental Protection Agency

WASTE DISCHARGE REQUIREMENTS ORDER NO. 99-100
MALAGA CWD WWTF
FRESNO COUNTY

10. The Discharger shall establish the pretreatment program according to the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
a. Submit the results of an industrial user survey	1 October 1999 ✓
b. Submit an evaluation of the legal authority necessary for the administration and enforcement of the requirements of Sections 307(b) and (c) and 402(b)(8) of the Clean Water Act	1 November 1999 ✓
c. Submit a determination of technical information necessary to develop and implement the pretreatment ordinance or other means of enforcing pretreatment standards	1 December 1999
d. Submit an evaluation of the financial programs and revenue sources to implement the program, including proposed funding and staffing levels	1 January 2000 ✓
f. Submit a list of monitoring equipment required to implement the pretreatment program and a description of municipal facilities necessary for monitoring and analysis of industrial wastes	1 March 2000
g. Submit specific effluent limitations for prohibited pollutants (as defined by 40 CFR 403.5) which shall be incorporated into the pretreatment program	1 April 2000
h. Submit complete pretreatment program package (40 CFR 403.9) with request for pretreatment program approval	1 May 2000

The Discharger shall submit to the Board on or before each compliance date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Board by letter when it returns to compliance with the time schedule.

OFFICE NO 5F

INSPECTOR: ARP

FACILITIES INSPECTION REPORT

SWRCB 001 (REV.5-91)

PCA System Task No. 101

<u>5D100124001</u> WDS NUMBER	<u>MALAGA CWD</u> NAME OF AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE	<u>WWTF</u> NAME OF FACILITY
<u>CA0084239</u> NPDES NUMBER	<u>3580 S FRANK ST</u> AGENCY STREET	<u>3749 S MAPLE ST</u> FACILITY STREET
(YY) (MM) (TYPE) SCHEDULED INS. DATA	<u>FRESNO ,CA 93725-</u> AGENCY CITY AND STATE	<u>FRESNO ,CA 93725-</u> FACILITY CITY AND STAT
	<u>GERALD W FORDE</u> AGENCY CONTACT PERSON	<u>GERALD FORDE</u> ONSITE FACILITY CONTACT PERSON
<u>000801</u> (YYMMDD) ACTUAL INS. DATE	<u>(559) 485-7353</u> AGENCY PHONE NO.	<u>(559) 264-0307</u> FACILITY PHONE NO.

S Inspection agency (State = S, State / EPA Joint = J)

Y If this inspection is a Compliance Inspection of an NPDES facility, send a copy of this report to SWRCB's Division of Water Quality, Program Support Unit

INSPECTION TYPE (Check One)

- A1 "A" type compliance -- Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 "B" type compliance -- A routine nonsampling inspection. (EPA Type C)
- 02 Noncompliance follow-up -- Inspection made to verify correction of previously identified violation.
- 03 Enforcement follow-up -- Inspection made to verify that conditions of an enforcement action are being met.
- 04 Complaint -- Inspection made in response to a complaint.
- 05 Pre-requirement -- Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 Miscellaneous -- Any inspection type not mentioned above.

If this is an EPA inspection not mentioned above, please note type.
(e.g. -- biomonitoring, performance audit, diagnostic, etc.)

(Type)

Y Were VIOLATIONS noted during this inspection? (Yes/No/Pending Sample Results)

N Was this a Quality Assurance-Based Inspection? (Y/N)

N Were bioassay samples taken? (N = No) If YES, then S = Static or F = Flowthrough

INSPECTION SUMMARY (REQUIRED) (100 character limit)

I observed evidence that wastewater had spilled from an emergency storage pond onto adjacent land.

INSPECTOR'S DATA:

INITIALS ARP SIGNATURE Alejo H. Phillips - Dowell DATE 10-26-00

For Internal Use: Reviewed by: (1) WV (2) _____ (3) SWG
Reg. WDS Coordinator

WDS Data Entry Date: 11-8-2000 Regional Board File Number: _____

FACILITIES INSPECTION
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VIOLATION (IF APPLICABLE)

VIOL (A-G): E (See pages IK05.0 and IK05.1 of the Micro Waste Discharger System Users Manual)

Date Violation Occurred (YYMMDD): 000801 Date Violation Determined (YYMMDD): 000801

DESCRIPTION (200 CHARACTER LIMIT):

The Discharger violated Discharge Pohibition No. A.1; General Discharge Specification Nos. 5 and 6; Discharge 001 Specification No. C.3; Discharge 002 Specification No. D.3; and Provision Nos. H.1, H.2 and H.10.

EPA SUGGESTED INSPECTION CHECKLIST

(S= Satisfactory, M= Marginal, U= Unsatisfactory, N= Not Evaluated)

<u> S </u> Permit	<u> S </u> Flow Measurement	<u> N </u> Pretreatment	<u> U </u> Operations and Maintenance
<u> M </u> Records/Reports	<u> N </u> Laboratories	<u> M </u> Compliance Schedules	<u> N </u> Sludge Disposal
<u> U </u> Facility Site Review	<u> U </u> Eff./Receiving Waters	<u> M </u> Self-Monitoring	<u> N </u> Other

1 Overall Facility Operation Evaluation (5= Very reliable, 3= Satisfactory, 1= Unreliable)

HISTORICAL INFORMATION

MOST RECENT ORDERS

ORDER NO. DATE ADOPTED TYPE

MOST RECENT INSPECTIONS:

DATE TYPE VIOLATONS?

MOST RECENT VIOLATIONS:

VIOL. TYPE DATE

ADDITIONAL COMMENTS, SPECIAL INSTRUCTIONS, ITEMS FOR FOLLOWUP ON
FUTURE INSPECTIONS, NOTES, ETC. (Attach additional pages, if necessary)

I arrived at the WWTF at 14:20 hours in response to a complaint alleging that wastewater was discharging from a failed pond levee onto a neighbor's (Paul Evert's RV Center) property. I met with Tony Morales, Grade III Operator, and Frank Cruise, Operator In Training. Waste Discharge Requirements (WDRs) Order No. 99-100 regulates the monthly average discharge of 1.23 mgd to eight disposal ponds (Pond Nos. 1 through 8). The Discharger has the ability to discharge up to 0.35 mgd of wastewater to the Central Canal under the NPDES portion of WDRs Order No. 99-100. Due to a delay in funding, the Discharger has not completed the filtration units necessary to meet all the tertiary treatment requirements for discharge to the Central Canal.

Upon my arrival, I observed approximately one-foot of wastewater in an emergency wastewater pond (hereafter emergency pond) with less than one-foot of freeboard. On the east end of the emergency pond, I observed a small channel that appeared to discharge wastewater to an adjacent area creating another shallow pond. The shallow pond was not properly contained, and wastewater spilled outside of the Discharger's property onto the neighbor's property (see attached Photo Nos. 1 through 8). Mr. Morales repaired the emergency pond by constructing a temporary dam the same morning. According to Mr. Morales, the spilled wastewater was treated and chlorinated. The Discharger

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violated the following sections of WDRs Order No. 99-100:

- Discharge Prohibition No. A.1 for discharging treated waste in a location different from that specified in the WDRs;
- General Discharge Specification No. B.5 for failing to preclude public access to treated wastewater;
- Provision No. H.1 ("Standard Provisions and Reporting Requirements for WDRs (NPDES)," dated 1 March 1991 (hereafter Standard Provisions), General Provision No. A.13) for by-passing wastewater without meeting required conditions; and
- Provision No. H.1 (Standard Provision, General Reporting Requirement No. B.1) for failing to notify the Board of noncompliance.

According to Mr. Morales, the emergency pond was used to facilitate maintenance on Pond No. 1. Except for Pond No. 1, I observed that all the treatment ponds were at maximum capacity (see Photo No. 8). The failure to maintain two feet of freeboard in the wastewater ponds is a violation of Discharge Specification No. D.3. The Discharger had ceased discharging to the emergency pond and begun discharging to Pond No. 1 two days prior to the inspection. I observed that Pond No. 1 was disked to increase its percolation.

I observed the WWTF components, which include: a headworks with three screw pumps, a Parshall flume, flow meter, a pre-aeration tank, a grit chamber, a primary clarifier, three aeration tanks (parallel) with activated sludge, three secondary clarifiers, and an aerobic digester. The influent flow meter read an instantaneous flow of 0.85 mgd. During the inspection, I observed that the Discharger was not chlorinating. According to Mr. Morales, the chlorine supply barrels needed to be changed and he indicated he would do so immediately.

I spoke with Mr. Chris Rank, an employee at Paul Evert's RV Center. Mr. Rank indicated that he observed the spill at approximately 15:00 hours the previous day (31 July) and tried to notify the WWTF operators. He also indicated that water flooded the pumps for a landscaped pond on the neighbor's property (see attached Photo No. 9).

During February 2000 and a portion of March 2000, the Discharger temporarily discharged (hereafter emergency discharge) to the Central Canal because the it was unable to meet its freeboard requirements and was concerned that a heavy rain may cause a pond levee to breach.

My review of the January 2000 through July 2000 self monitoring reports (SMRs) indicates that the Discharger violated Discharge 001 (Central Canal) Specification No. C.3 by exceeding the tertiary effluent maximum daily chlorine residual limit during February; and the average monthly turbidity limit during February and March. On 27 January 2000, Board staff met with Michael Taylor (Provost and Pritchard), the Discharger's consultant to discuss the proposed emergency discharge to the Central Canal (during February and March). During the meeting, staff discussed the mandatory fines under the Migden Bill and stated that the Discharger would be responsible for meeting the effluent limits in the NPDES portion of the permit and, therefore, would also be subject to the mandatory fines for violations. The consultant indicated that all effluent limits would be met during all discharges.

My review of the Discharger's SMRs also indicates that they are not appropriately signed and certified, a violation of Provision No. H.1 (Standard Provisions, Reporting Requirements for Monitoring No. D.6). The SMRs are also incomplete. They do not include all of the required monitoring, such as, complete effluent quarterly monitoring (March 2000) and quarterly and annual source water monitoring (March 2000 and July 2000). Failing to comply with Monitoring and Reporting Program No. 99-100 is a violation of Provision No. H.2.

Additionally, WDRs Order No. 99-100 requires the Discharger to develop a pretreatment program. The Discharger

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has submitted the first two reports but has failed to submit the other five described in the enclosed sheet. The failure to submit the required reports is a violation of Provision No. H.10.

On 22 August 2000, I spoke with Mr. Michael Taylor, regarding the status of the filtration units and the current capacity problems at the WWTF. Mr. Taylor indicated that the system was designed and ready to be installed. He also indicated that they have not been able to obtain the funding. The Discharger has applied for a Small Community Grant (SCG), but the money has not been released.

SUMMARY

I inspected the WWTF in response to a complaint of wastewater spilling from a breached disposal pond. I observed evidence of an unknown quantity of treated, disinfected wastewater had spilled from the emergency storage pond onto adjacent property. The Discharger was discharging to the emergency storage pond to facilitate maintenance on Pond No.1. All of the other WWTF disposal ponds exceeded their maximum capacity. The WWTF made an emergency, temporary discharge for six weeks during February and March 2000, at which time it violated the effluent limits of the NPDES portion of its permit and, therefore, may be subject to mandatory minimum fines. The Discharger has begun to develop its pretreatment program but still needs to submit additional overdue reports.

The Discharger violated and/or violates the following sections of Order No. 99-100:

- Discharge Prohibition No. A.1 for discharging treated waste in a location different from that specified in the WDRs;
- General Discharge Specification No. B.5 for failing to preclude public access to treated wastewater;
- Discharge 001 (Central Canal) Specification No. C.3 by exceeding the tertiary effluent maximum daily chlorine residual and average monthly turbidity limits;
- Discharge Specification No. D.3 for failing to maintain two feet of freeboard in the ponds;
- Provision No. H.1 (Standard Provisions, General Provision No. A.13) for by-passing wastewater without meeting the required conditions for by-pass discharges;
- Provision No. H.1 (Standard Provisions, General Reporting Requirement No. B.1) for failing to notify the Board of noncompliance;
- Provision No. H.1 (Standard Provisions, Reporting Requirements for Monitoring No. D.6) for failing to include the appropriate signatory statement on its SMRs;
- Provision No. H.2 for submitting incomplete SMRs; and
- Provision No. H.10 for failing to submit all of the required reports to develop a pretreatment program.

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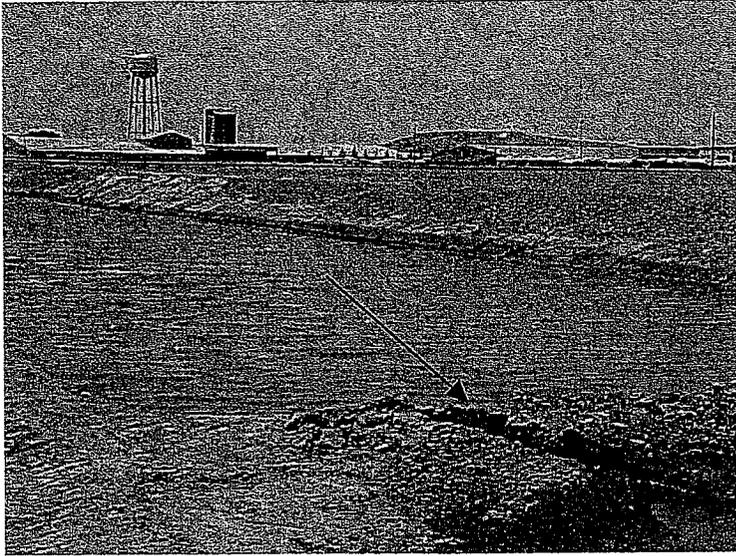


Photo No. 1. The photo shows the temporary emergency storage pond with a channel. A small dam was constructed to prevent further spills.

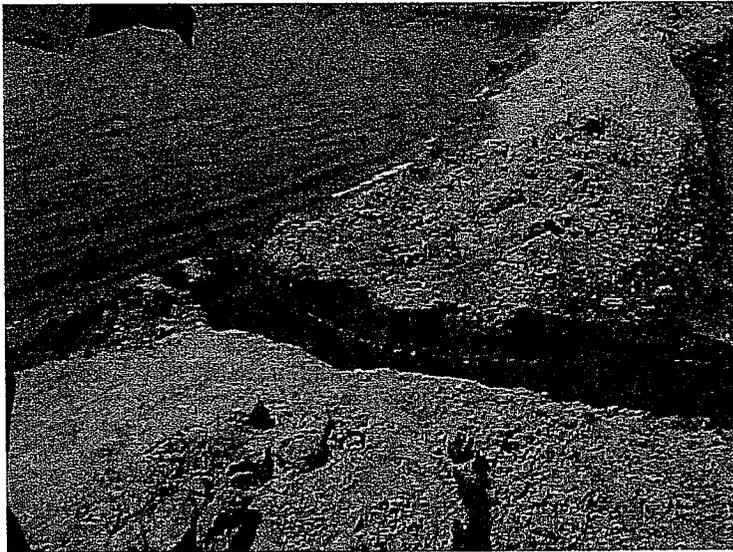


Photo No. 2. Close up of temporary trench and small dam.

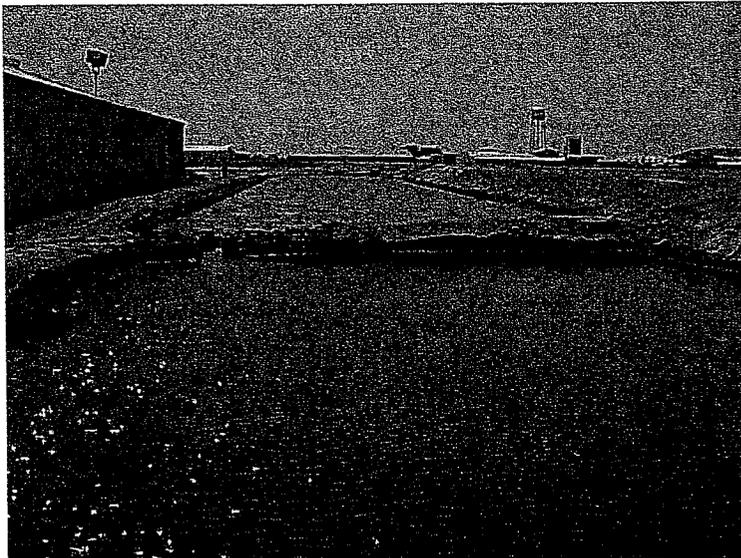


Photo No. 3. The photo shows the treated and chlorinated wastewater that discharged from the emergency storage pond, making another temporary pond.

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Photo No. 4. Up close view of uncontained wastewater on the east side of the spill area shown in Photo No. 3.

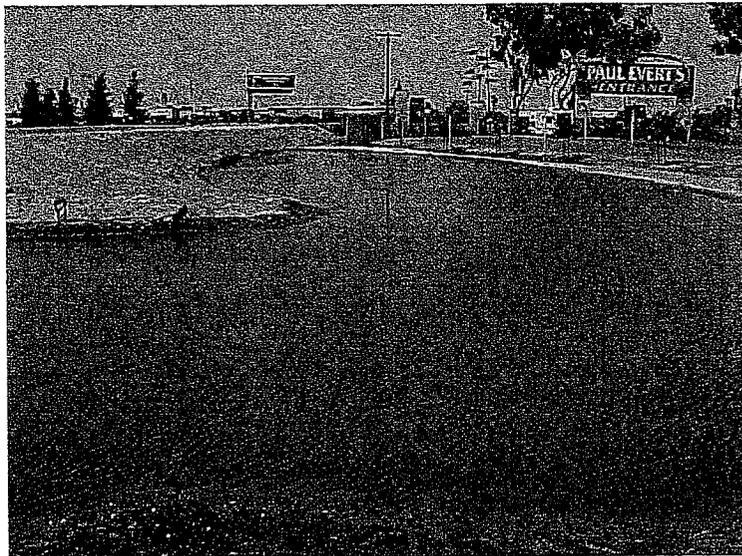


Photo No. 5. A complete view of discharged wastewater from the temporary pond shown in Photo No. 1 and 2.



Photo No. 6. The path where wastewater discharges onto the neighbor's (Paul Evert's RV Center) property.

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Photo No. 7. Flooded area between the neighbor and WWTF disposal pond.

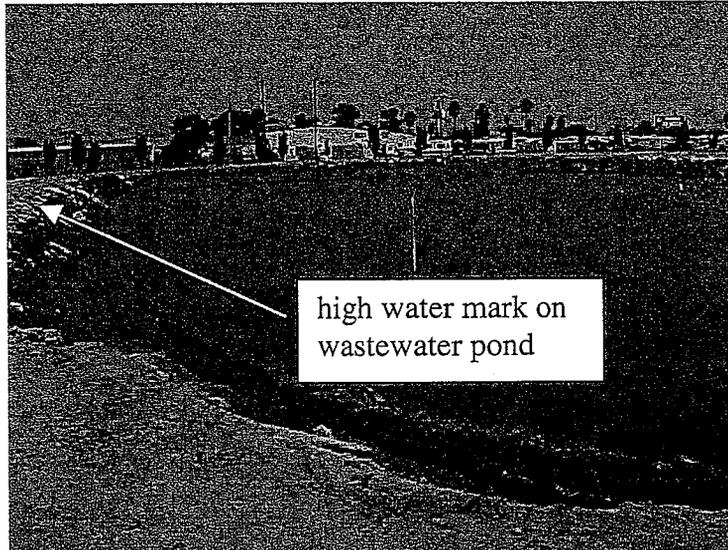


Photo No. 8. Wastewater treatment pond with less than two feet of freeboard, along with a high water mark showing almost no freeboard.

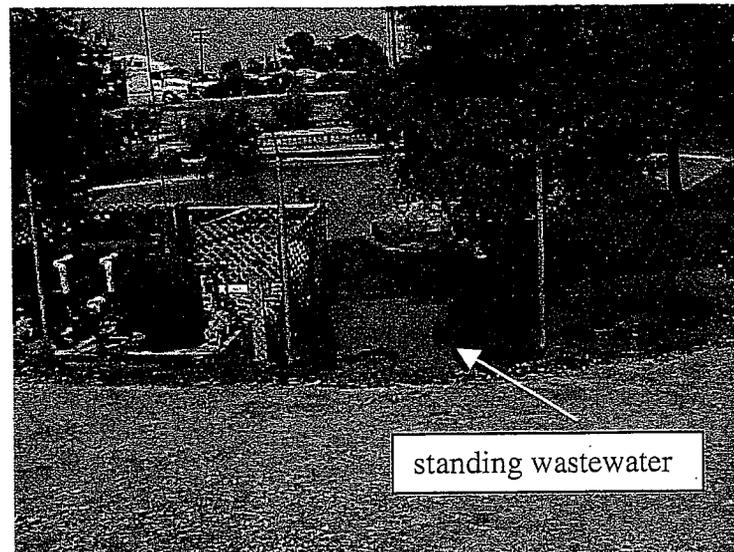


Photo No. 9. The photo shows pooled wastewater flooding the neighbor's pumps for its landscaped pond.