

Pretreatment Compliance Inspection

Summary Report

Discharger: Malaga County Water District
Waste Discharge Requirements Order No. R5-2008-0033
NPDES No. CA0084239

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Attachments

- ICIS WENDB Data Entry Worksheet
- RNC Data Entry Worksheet
- Attachment A (Nondomestic Discharger Site Visit Data Sheets)
 - Fifth Wheel Truck Stop Site Visit Data Sheet
 - Fifth Wheel Truck Stop Photograph Log
 - Kinder Morgan SFPP, L.P. Site Visit Data Sheet
 - Kinder Morgan SFPP, L.P. Attachment 1 (Wastewater Treatment System Diagram)
 - PPG Industries Site Visit Data Sheet
 - PPG Industries Image Log
 - RockTenn, CP, LLC Site Visit Data Sheet
 - Speedy Truck Wash, Inc. (Formerly, Moga Truck Wash) Site Visit Data Sheet
 - Speedy Truck Wash, Inc. (Formerly, Moga Truck Wash) Attachment 1
 - Speedy Truck Wash, Inc. (Formerly, Moga Truck Wash) Photograph Log
- Attachment B (NOV, SNOV, and the District’s Response)
 - Attachment B.1 (NOV issued to the District on July 7, 2014)
 - Attachment B.2 (Supplemental NOV issued to the District on August 18, 2014)
 - Attachment B.3 (The District’s Response to the SNOV)

1. Executive Summary

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Water Board) conducted a pretreatment compliance inspection (PCI or inspection) with assistance from PG Environmental, LLC (jointly referred to as the Inspection Team) of the Malaga County Water District (District) on March 25–26, 2015. A pretreatment compliance audit (audit) of the City’s pretreatment program was performed in January 2014. This inspection report describes the primary concerns generated by the recent inspection, which covered pretreatment program activities during 2014 and the beginning of 2015. This report includes several requirements and recommendations to enhance the operations of the District’s pretreatment program. The District is required to do the following as a result of the 2015 PCI:

- Receive approval from the Central Valley Water Board for substantial modifications made to the sewer user ordinance (SUO) prior to implementing the modified SUO.
- Perform calculations to determine if any of its significant industrial users (SIUs) are in significant noncompliance (SNC) with the criteria provided at 40 CFR 403.8(f)(2)(viii)(A)–(H).
- Continue the process of developing technically based local limits and ensure that the limits are enforced and continually developed as necessary in accordance with the regulations at 40 CFR 403.5(c).
- Implement the appropriate changes to ensure and document that permits are issued before they become effective.
- Amend its permits to include the sampling locations in the control mechanisms as required by 40 CFR 403.8(f)(1)(iii)(B)(4).
- Amend the permits to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3).
- Include the correct sampling type for flow and the appropriate sampling frequency for each parameter in the SIU permits in accordance with the regulations at 40 CFR 403.8(f)(1)(iii)(B)(4).
- Include the prohibition of bypass in the industrial user permits according to 40 CFR 403.17(a–c) of the federal regulations.
- Notify each SIU of its status as such and of all requirements applicable to it as a result of such status in accordance with 40 CFR 403.8(f)(2)(iii).
- Ensure that it collects and analyzes samples at each of the SIUs at least annually in accordance with the federal regulations at 40 CFR 403.8(f)(2)(v). The District must also maintain documentation of compliance monitoring events.
- Inspect each SIU at least once per year as stated at 40 CFR 403.8(f)(2)(v) and adequately document these inspections.
- Evaluate the operating conditions of the effluent quality probes to ensure that representative wastewater samples are being collected at SIUs in accordance with the regulations at 40 CFR 403.12(b)(5)(ii).
- Ensure that it identifies a sampling location that is both representative of the facility’s daily process operations and downstream of the treatment system in accordance with the federal regulations at 40 CFR 403.12(b)(5)(ii) and (iv).

- Ensure that the Speedy Truck Wash facility properly maintains its pretreatment system in accordance with Part 1. 8 of the facility's permit.
- Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the 40 CFR 403.12 as stated at 40 CFR 403.8(f)(2)(iv).
- Evaluate whether each SIU needs a plan or other action to control slug discharges in accordance with 40 CFR 403.8(f)(2)(vi).
- Implement its enforcement response plan in accordance with the federal regulations at 40 CFR 403.8(f)(5).

Several recommendations are also provided for the District, for instance it is recommended that the District:

- Evaluate the characteristics and volumes of the waste discharged from the recreational vehicle (RV) sales facilities to the publicly owned treatment works (POTW).
- Conduct a thorough evaluation to identify the source of chromium in the collection system.
- Continue its investigation of businesses' operations and ultimately issue permits to the facilities in its service area that may contribute discharges with the potential to negatively impact the POTW.
- Ensure that permits are signed and dated, and that the District keep a hardcopy of the permit that was issued to the nondomestic dischargers to ensure that the permits were signed and dated by the appropriate District representative.
- Follow up with the Fifth Wheel Truck Stop facility to obtain records related to the maintenance activities for the oil/water separators.
- Encourage the Fifth Wheel Truck Stop facility to develop and implement standard operating procedures (SOPs) to ensure that high concentrations of detergents are not discharged to the POTW.
- Evaluate the practice of engine washing at the Fifth Wheel Truck Stop and how it may impact the quality of the wastewater discharged to the POTW.
- Request the Kinder Morgan facility to modify its process area schematic and obtain a current version of the schematic to keep on file.
- Conduct a formal evaluation of the sources of the electrical conductivity loading at the Kinder Morgan facility. It is further recommended that the District thoroughly document these findings in an investigation report.
- Refer to the Kinder Morgan facility's discharge practices as "batch" discharges, and require that the facility keep a batch discharge log.
- Review PPG Industries' corrective actions associated with the failure of the secondary power source.
- Formally request a copy of PPG Industries' SOPs for general cleanup and spill response to identify the discharge of potential slug loads to the POTW.
- Modify its "significant noncompliance" violations terminology in its 2014 ERP to avoid confusion with the federal definition of "significant noncompliance."

Each issue is described in the appropriate section of this report and summarized in the final section.

2. Introduction

The inspection consisted of three parts: an interview with the District's General Manager (who also acts as the chief plant operator and oversees the pretreatment program) and the District's Environmental Compliance Inspector (jointly referred to as District representatives); a review of the pretreatment program's industrial user (IUs) files; and site inspections at five permitted industrial users. The interview included a discussion regarding general pretreatment program implementation, the District's compliance evaluation and inspection procedures and their frequency, and the District's enforcement response procedures. The following IU files were reviewed as a component of the 2015 inspection:

- Air Products and Chemicals, Inc. (non-categorical significant industrial user (SIU)).
- Fifth Wheel Truck Stop (non-categorical SIU).
- PPG Industries (non-categorical SIU).
- RockTenn CP, LLC (non-categorical SIU).
- Stratas Foods (non-categorical SIU).

Field inspections were performed at Fifth Wheel Truck Stop (Fifth Wheel), Speedy Truck Wash, Inc. (Speedy Truck Wash), PPG Industries (PPG), Kinder Morgan SFPP, L.P. (Kinder Morgan), and RockTenn CP, LLC (RockTenn) as a component of this inspection. For more information regarding these inspections, refer to Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection* and Attachment A of this report.

This report summarizes the overall findings of the inspection and describes the program elements that are not consistent with federal pretreatment program requirements. In addition, the report provides recommendations to enhance the effectiveness of program implementation and enforcement.

2.1 Size of Program

The District's pretreatment program consists of approximately 210 permitted nondomestic dischargers. Ten of the dischargers have been classified as SIUs as defined at 40 CFR section 403.3(v). None of the SIUs were permitted as categorical industrial users (CIUs) at the time of the inspection. The remaining permitted industries include food service establishments (FSEs), truck washes, and other commercial facilities. The District issued non-residential wastewater discharge permits to each of the nondomestic dischargers. For more information regarding the District's method of issuing permits, refer to Section 6, *Control Mechanisms* of this report.

The District owns and operates a WWTF in Fresno County; the facility provides sewerage service to the unincorporated community of Malaga and serves a population of approximately 1,000 people. According to information provided by the District in an Excel Spreadsheet regarding an SIU rate study, the flow received at the WWTF was primarily composed of industrial wastewater (79 percent) and some domestic wastewater (21 percent), based on data gathered during 2013. The WWTF has two discharge points,

discharge point 001 discharges tertiary treated, disinfected wastewater to the Central Canal. Discharge point 002 discharges secondary treated effluent to eight evaporation/percolation ponds. The WWTF is authorized to discharge up to 0.45 million gallons per day (mgd) to Central Canal and up to 0.85 mgd to the ponds for a total flow of 1.2 mgd from the two discharge points.

The District representatives also stated that the District does not accept hauled waste at the WWTF, nor has it been approached to accept hauled waste. However, the District representatives stated that the recreational vehicle (RV) sales facilities discharge waste to the WWTF and that the sales facilities allow RVs to discharge to the WWTF via the facilities' sewer connections. The District representatives stated that the RV sales facilities are not permitted. It is recommended that the District evaluate the characteristics and volumes of the waste discharged from the RV sales facilities to the POTW, and evaluate the need to permit these facilities in order to protect the POTW.

2.2 Results and Status of the 2014 Pretreatment Compliance Audit

In January 2014, the Regional Water Board, with assistance from PG Environmental, LLC, conducted a pretreatment compliance audit (audit) of the District's pretreatment program. As a result of the 2014 audit, the District was found to be in violation of several pretreatment requirements and was issued a notice of violation (NOV) on July 7, 2014 from the Central Valley Regional Water Board. The NOV stated that the District had violated pretreatment standards, monitoring and reporting requirements, and Cease and Desist Order R5-2008-0032. The District was also issued a supplemental NOV (SNOV) dated August 18, 2014 in response to the District's request for clarification of the violations included in the July 7, 2014 NOV.

The District provided a response to the SNOV dated September 23, 2014. The response addressed points of deficiency provided in the SNOV and contested the majority of the requirements included in the NOV and SNOV. Therefore, the District's response has not been included in each section of this report where a requirement from the 2014 audit report is presented. However, the NOV, SNOV, and the District's response to the SNOV are provided in Attachment B of this report. This report includes a summary of requirements from the 2014 audit and the implementation status of these requirements as observed during the 2015 PCI.

Since the 2014 audit, multiple staffing changes have occurred. The District hired a new General Manager, who also serves as the WWTF's Chief Plant Operator and oversees the pretreatment program. The District has also hired an Environmental Compliance Inspector to assist with pretreatment program implementation; he conducts sampling, drafts permits, and conducts inspections, among other responsibilities.

During the 2015 inspection, the District representatives and Inspection Team discussed the most recent version of the District's legal authority (sewer use ordinance [SUO]). The District's General Manager stated that the District performed a major rewriting of its SUO during February 2014. During this rewrite, the District made significant changes to the SUO, including removing some of the local limits. The Central Valley Water Board notified the District that it was required to request and receive approval from the Central

Valley 1 Water Board prior to implementing significant changes to the SUO. Due to the District not receiving approval from the Central Valley Water Board, the District repealed some of the significant changes.

The Central Valley Water Board considered the sections concerning the pretreatment program, WWTF, and collection system of the District's 2004 SUO (the last one the Central Valley Water Board had approved) to be in effect for the pretreatment program at the time of the inspection. At the time of the inspection, the SUO on the District's Web site contained updates that were not in the 2004 version of the SUO. According to information provided on the District's Web site, the ordinance had been passed on December 9, 2014. Therefore, the SUO being implemented by the District differs from what the Central Valley Water Board has approved. Substantial modifications to the pretreatment program must meet the federal requirements at 40 CFR 403.18(c), which require the District to submit to the Central Valley Regional Water Board a statement of the basis for the desired program modification, a modified program description, or other documents the Central Valley Water Board determines necessary under the circumstances. The Central Valley Water Board approves or rejects the modifications. The District is required to have Central Valley Water Board's approval of its SUO prior to implementing the SUO.

2.3 Focus Topics

The following topics were discussed with the District representatives regarding other industrial pretreatment program activities.

2.3.1 Significant Non-Compliance

According to 40 CFR 403.8(f)(2)(viii), the District is required to provide annual public notification in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which, at any time during the previous 12 months, were in significant noncompliance (SNC) with applicable pretreatment requirements. The District's General Manager stated that calculations regarding SNC were not performed for the SIUs during 2014. The District's General Manager added that he was unaware of the federal definition of SNC and that calculations were required to determine SNC. He further added that these calculations would "probably" be performed by the District engineer. The District is required to perform calculations to determine if any of its industrial users are in SNC, upon receipt of its IU's self-monitoring reports (SMRs), using the criteria provided at 40CFR 403.8(f)(2)(viii)(A)–(H) for SIUs and 40 CFR 403.8(f)(2)(viii)(C), (D), and (H) for all industrial users. In the event that an SIU meets the criteria for SNC, the District is reminded that it must publish this industrial user(s) in a newspaper(s) of general circulation to provide meaningful public notice to the jurisdiction(s) served by the POTW in accordance with 40 CFR 403.8(f)(2)(viii). More information regarding SNC calculations can be found at this Web site:
<http://www2.epa.gov/sites/production/files/documents/SNCGuidance.pdf>.

The definition of SNC provided in the District's 2004 SUO was not the updated definition of SNC as promulgated by the streamlining regulations. However, the codified version of the District's SUO available on its Web site included the updated definition of

SNC. The 2014 version of the District's ERP did not include the federal definition of SNC. For more information regarding the District's SUO and ERP, refer to Section 3.1, *Legal Authority*.

2.3.2 Pharmaceutical Recovery

According to the District representatives, the local law enforcement and fire department have a volunteer pharmaceutical collection program. Residents can dispose of their medication in locked drop boxes maintained by the Sheriff's office and the police department. The District's General Manager also stated that the District provides a flyer to residents describing locations where they may dispose of pharmaceuticals and the processes and procedures for doing so. The District's General Manager also stated that no pharmacies were located within the District's service area at the time of the inspection.

Pharmaceutical waste in the District's effluent can have a detrimental effect on the environmental health of receiving waters. Pharmaceutical take-back events have proven to be a simple and effective way of reducing these harmful effects on the environment. Successful take-back programs have been implemented in California's San Francisco Bay Area by the Bay Area Pollution Prevention Group (BAPPG); EPA considers the BAPPG programs to be model systems.

2.3.3 Dental Mercury

The District does not have a dental mercury recovery program and does not have mandatory mercury reduction efforts. The District representatives were unsure if dental facilities were involved with voluntary mercury reduction efforts.

The District's General Manager (who is also the chief plant operator at the WWTF) stated that mercury concentrations for the influent, effluent, and sludge historically have had and continue to have a non-detect sampling result.

The District's 2004 SUO contains a 0.2 mg/L local limit for mercury. It was unclear how this limit was determined or the technical basis for said limit. For more information regarding the technical basis of the District's local limits, refer to Section 4, *Local Limits* of this report.

2.3.4 Industrial Laundries

The District did not have industrial laundry facilities within its service area at the time of the inspection. In the event that an industrial laundry does move into the service area, the District should consider informing the facility about the EPA's Safer Detergents Stewardship Initiative (SDSI). SDSI is a voluntary program to commit to the use of safer surfactants. Safer surfactants are those which break down quickly to non-polluting compounds, helping to protect aquatic life in both freshwater and saltwater environments. Nonylphenol ethoxylates (NPEs) are an example of a surfactant class that does not meet the definition of a safer surfactant.

2.3.5 Performance Measures

According to information provided by the District, corrosion in the collection system from industrial discharges and sanitary sewer overflows was not identified or reported

during 2014. The District's General Manager mentioned that the District is in the process of developing a collection system maintenance program, which includes purchasing equipment and hiring certified collection staff to perform maintenance activities.

The District's General Manager also stated that the District's Environmental Compliance Inspector conducts outreach related to fats, oils, and grease (FOG) management while on site visits to nondomestic dischargers; he has provided FOG management information to Stratas Foods, a facility involved with supplying food-grade fats and oils. A FOG-management flyer is available at the District office and on the District's Web site. The flyer includes information on how grease interceptors operate and general practices for reducing FOG accumulation in the collection system.

Class 4 non-residential wastewater permits had been issued to numerous FSEs, including Jack in the Box, Subway Sandwiches, Mexican food restaurants, and grocery stores. Therefore, it appeared that the District regulated FSEs by issuing Class 4 non-residential permits although this was not explicitly stated during the inspection.

2.3.6 Potential Cleanup or Criminal Violations

The District's General Manager was unaware of facilities that might close, leaving a potential cleanup needing state funding. However, the District's General Manager also stated that a number of scrap metal companies within the District's service area might fit this category. The District representatives did not know of any nondomestic dischargers that had knowingly violated pretreatment or other environmental requirements.

3. Pretreatment Program Modifications

The federal pretreatment regulations at 40 CFR 403.18 require the District to notify the Central Valley Water Board of any modifications it intends to make to its pretreatment program. The 2014 audit report provided numerous recommendations and requirements regarding the District's SUO (see section 3.1 below).

At the time of the inspection, the District was also in the process of re-evaluating and re-establishing its local limits with limits that were technically based, in accordance with the requirements from the 2014 audit report. The District's General Manager stated that the local limits study was planned to be completed in June 2015.

3.1 Legal Authority

The District's General Manager stated that the District had performed a major rewrite of its SUO in February 2014. The District made significant changes to the SUO, including the removal of several local limits. The Central Valley Water Board notified the District that it was required to request and receive approval from the Water Board prior to implementing significant changes to the SUO. The District did not receive approval from the Central Valley Water Board prior to adopting the modified SUO; Thus, Central Valley Water Board staff considers the District's 2004 SUO to be in effect for the pretreatment program at the time of the inspection and until the District follows the proper procedures outlined in 40 CFR 403.18(c).

At the time of the inspection, the SUO on the District's Web site contained updates that were not in the 2004 version of the SUO. According to information provided on the District's Web site, the ordinance had been passed on December 9, 2014. The SUO being implemented by the District differs from what has been approved by the Water Board. Substantial modifications to the pretreatment program must meet the federal requirements at 40 CFR 403.18(c), which require the District to submit to the Central Valley Water Board a statement of the basis for the desired program modification, a modified program description, or other documents the Water Board determines necessary under the circumstances. The Central Valley Water Board must approve the significant modifications prior to adoption and implementation. The District is required to have the Central Valley Water Board's approval of its SUO.

At the time of the 2014 audit, the District had amended its SUO and provided a draft version of the SUO to the audit team for review. Therefore, the 2014 audit report requirements pertain to the draft 2014 SUO (hereinafter referred to the draft 2014 SUO).

As a component of the 2015 inspection, the District directed the Inspection Team to the version of the SUO available on the District's Web site. This version of the District's SUO was dated December 2014. (Hereinafter, this version of the SUO will be referred to as the December 2014 SUO.) The Central Valley Water Board representatives stated that the District had made significant modifications to the draft 2014 SUO in the December 2014 SUO but had not gained approval prior to implementing the SUO.

Since the 2004 SUO is the version most recently approved by the Central Valley Water Board, this is the version that was considered to be in effect at the time of the 2015 inspection and continues to be in effect. This version of the SUO is referred to as the 2004 SUO throughout the report.

According to the 2014 audit report, the District was required to make the following modifications to the draft 2014 SUO:

The District's draft 2014 SUO and associated streamlining provisions were discussed as a component of the 2014 audit. The District's Contract Engineer stated the draft 2014 SUO included the required streamlining provisions. However, it was determined that the draft 2014 SUO did not include the full definition of SNC; therefore, it was unclear if the District had adopted the revised SNC definition as a streamlining change. Section 1.03.010 of the draft 2014 SUO stated the following for the definition of SNC: "shall have the same meaning as 40 CFR 403.3(f)(2)(viii), or as it may be amended." This is an incorrect citation for SNC in the federal regulations; in addition citing where to find the regulation is not an adequate definition. The federal definition of SNC is stated at 40 CFR 403.8(f)(2)(viii)(A-H). The District shall amend its draft SUO to include the actual definition of SNC so that the District employees and IUs alike understand what would place a facility in significant noncompliance. The District was required to modify its draft 2014 SUO to include at least the federal definition of SNC as stated at 40 CFR 403.8(f)(2)(viii)(A-H) of the federal regulations.

During conversations with the District representative and the Contract Engineer as a component of the 2014 audit, it was stated that the District considers

significant dischargers as Class I dischargers, and Class I permits have a one-year duration. Subsequently, the District identified Class II dischargers as all other permit holders, with permits renewed on a 2–3 year cycle. The delineation between Class I and Class II dischargers was not provided in the District’s draft 2014 SUO. If the District intends to have two classes of dischargers, then it was required to revise its draft 2014 SUO to include a definition and explanation of each class.

According to section 1.03.010 of the District’s draft 2014 SUO, an *industrial user* is described as one that “shall have the same meaning as that term is defined in 40 CFR 403.3(l), or as it may be amended.” However, the definition located at 40 CFR 403.3(l) is the definition of the term *National Pretreatment Standard, Pretreatment Standard, or Standard*, not the definition of *industrial user*. The District was required to amend its draft 2014 SUO to at least include the federal definition of *industrial user*, which is provided at 40 CFR 403.3(j) of the federal regulations. Furthermore, the District was required to review its draft 2014 SUO to ensure that all of its definitions meet the requirements of the respective federal definitions.

As a component of the 2014 audit, the draft 2014 SUO was reviewed for its consistency with the requirements at 40 CFR 403. According to the federal regulations at 40 CFR 403.5(b)(7), “Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems should not be introduced into a POTW.” According to section 3.05.030(D) of the District’s draft 2014 SUO, “noxious or malodorous solids, liquids or bases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, may cause acute worker health and safety problems, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair” shall not be introduced into the POTW. It was determined that the provision in the District’s draft 2014 SUO pertaining to noxious material as a specific prohibition was not consistent with the federal regulations at 40 CFR 403.5(b)(7). The District was required to ensure that the prohibitions on wastewater discharges listed as specific prohibitions in the District’s draft 2014 SUO were at least consistent with the specific prohibitions listed at 40 CFR 403.5(b) of the federal regulations.

As a component of the 2015 inspection, the District’s December 2014 SUO was reviewed to identify whether the aforementioned modifications had been made to the draft 2014 SUO. (The December 2014 SUO had not been approved.) The December 2014 SUO includes the required streamlining provisions. However, as previously stated, the December 2014 SUO, to date has not been approved by the Central Valley Water Board.

At the time of the 2015 inspection, the District was issuing Class 1, 3, 4, and 5 permits to nondomestic dischargers. The 2004 SUO states that the District may issue two types of permits, either a Class I or Class II permit. The December 2014 SUO includes the legal authority to issue various classes of permits (Classes 1 through 5). However, as previously stated, the December 2014 SUO had not been approved by the Central Valley Water Board at the time of the inspection.

The 2004 SUO included the same provision regarding noxious material as the 2014 audit report identified was included in the draft 2014 SUO. This statement regarding specific prohibitions was inconsistent with the language at 40 CFR 403.5(b)(7). The December 2014 SUO contained a statement that was consistent with the language at 40 CFR 403.5(b)(7). However, as previously stated, the December 2014 SUO had not been approved at the time of the inspection.

4. Local Limits

The federal pretreatment regulations at 40 CFR 403.5(c) require POTWs to develop and enforce local limits to implement the general and specific prohibitions at 40 CFR 403.5(a) and (b). The pretreatment regulations also require POTWs to continue to develop these local limits as necessary and to effectively enforce the limits.

According to the 2014 audit report, “During discussions with the District representative and the District’s engineer, it was determined that technically based local limits had not been developed to protect the POTW from general and specific prohibitions listed in the federal regulations. Furthermore, the District could not provide documentation stating that the District had performed a formal local limits evaluation to determine pollutants of concern. The District was required to perform a local limits evaluation and develop local limits as necessary, in order to protect the POTW as stated in the federal regulations at 40 CFR 403.5(c).”

At the time of the 2015 inspection, the District was in the process of developing technically based local limits but had not completed the sampling phase for developing the local limits. The District’s General Manager stated that the planned completion date for the local limits study was June 2015¹. However, the District has since extended that completion date, as Cease and Desist Order (CDO) R5-2014-0146 allows the District until August 1, 2016 to complete its local limits study. Due to the lack of technically based local limits at the time of the inspection, the District is required to continue the process of developing technically based local limits and ensure that the local limits are enforced and continually developed as necessary in accordance with the regulations at 40 CFR 403.5(c).

As previously stated, the District had made several significant changes to its SUO as a result of the 2014 audit. As part of these significant changes, the District removed a number of its local limits from the SUO. The District had not received approval from the Regional Water Board prior to implementing these significant modifications. The Central Valley Water Board had notified the District, and in response, the District had repealed some of the modifications that it had made to the SUO. However, the changes to local limits were not part of the SUO modifications that had been repealed. Therefore, the District’s 2014 SUO includes local limits for which no technical basis was provided. Thus, the non-residential permits issued in 2015 include limits that do not have a technical basis and were not approved by the Central Valley Water Board.

¹ However, Cease and Desist Order R5-2014-0146 gives the District until 1 August 2016 to complete its Local Limits Study, and the District now plans on using the year to sample throughout the seasons.

According to the regulations at 40 CFR 403.18(b)(2), substantial modifications are defined as “modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant.” Therefore, removing local limits would be considered a substantial modification. Further, according to the regulations at 40 CFR 403.18(c)(2), for approval procedures for substantial modifications, “the Approval Authority shall approve or disapprove the modification based on the requirements of 40 CFR 403.8(f)...the modification shall become effective upon approval by the Approval Authority.” Therefore, in the event that the District makes substantial modifications to its pretreatment program, it is required to follow the proper notification procedures at 40 CFR 403.18 and receive approval from the Approval Authority prior to implementing the modifications.

For more information regarding the application of the District’s local limits, refer to Section 6.5.2, *Application of Local Limits* of this report.

5. Nondomestic Discharger Characterization

The federal pretreatment regulations at 40 CFR 403.8(f)(2) require POTWs to develop and implement procedures to identify and locate industrial users that might be subject to the local pretreatment program. These procedures must also include proper categorization of all SIUs as defined at 40 CFR 403.3(v).

The 2014 audit report described the audit team's observations of the District's nondomestic discharger characterization:

During conversations with the District representative, the Fresno Truck Wash facility was discussed. The District representative provided the audit team with a list of facilities that were monitored daily for electrical conductivity (EC) for billing purposes. The District representative stated that the EC monitoring results indicated that the Fresno Truck Wash was discharging wastewater with high EC values to the sanitary sewer. This facility was not covered by a permit. As a component of the 2014 audit, the audit team inspected the facility and verified that the facility was discharging wastewaters with significant pollutant loading to the sanitary sewer without a permit. The District was required to develop and implement procedures to identify and locate all possible IUs which might be subject to the pretreatment program as stated in the federal regulations at 40 CFR 403.8(f)(2)(i). The District was also required to control through permit, order, or similar means the contribution to the POTW by each IU to ensure compliance with applicable pretreatment standards and requirements as stated in the federal regulations at 40 CFR 403.8(f)(1)(iii).

As a component of the 2015 inspection, the Inspection Team discussed the District’s processes for identifying nondomestic dischargers with the District representatives. The District’s General Manager stated that since the pretreatment program “was starting over,” the District representatives were unsure which non-residential dischargers within the service area were conducting industrial operations and discharging process wastewater to the POTW. In an effort to identify and regulate these dischargers, the District conducted door-to-door inquires and distributed surveys regarding potential

nondomestic dischargers to the various facilities within the service area. Similar to the door-to-door approach, the District also conducts drive-by inspections through different portions of its service area to review the names of commercial facilities and discover potential nondomestic discharges from the facilities.

The District's General Manager also stated that the District has the ability to review water accounts for high volumes of usage. Residents within the District are required to complete and submit applications to the District in order to have water and sewer access.

The District is also part of the Local Agency Formation Commission (LAFCO), which was established by the state legislature to review and regulate the formation of local government agencies and changes in organizations, including boundary changes, spheres of influence, annexations, detachments, new formations, and incorporations. As part of this commission, the District is in contact with various agencies within the District that can notify the District of new nondomestic dischargers within its service area.

According to the District's General Manager and the *2014 Annual Pretreatment Report*, incidents of upset at the WWTF prompted the District's General Manager to issue warning letters to truck washing facilities in the District's service area. Specifically, District employees at the WWTF noticed foam coming into the screw pumps at the WWTF. The Environmental Compliance Inspector traced the foam to a truck wash by opening a series of collection system manholes. In response to this instance of upset at the WWTF, the District sent warning letters to 12 facilities in its service area, including truck washes, RV washes, and potential equipment washing facilities (Caterpillar and John Deere) advising the facilities not to use and discharge significant volumes of highly concentrated detergents to the sanitary sewer. District employees also conducted site visits at these locations and inquired about the facilities' operations and wastewater generating processes.

The District's General Manager also mentioned that chromium appears in the influent data at the WWTF and in the biosolids as well. The District does not know the source of the chromium nor has it been able to attribute the chromium to discharges from industrial users. A large number of facilities in the District's service area have processes involving cooling towers (chromium may have once been discharged from the cooling towers); consequently, the District's sewer system may have collected legacy solids containing chromium. These solids might release chromium into the collection system and WWTF.

As a component of the 2015 inspection, the Inspection Team inquired about the District's schedule for performing maintenance on its sewer system. The District's General Manager explained that the District was in the process of obtaining equipment and hiring skilled individuals to increase the maintenance frequency on the sewer system. While discussing the chromium issues and sewer maintenance activities, it was discussed that Due to a large number of facilities within the District's service area having processes involving cooling towers (in which chromium may have once been discharged from the cooling towers), the District's sewer system may have collected legacy solids containing chromium. These solids may release chromium into the collection system and WWTF.

It is strongly recommended that the District conduct a thorough evaluation to identify the source of chromium within the collection system. Specifically, the District should evaluate a procedure to determine if the source of the chromium discharges is related to non-domestic dischargers.

During the 2015 inspection, the District representatives stated they had discovered a small process operation that discharged wastewater at a Georgia Pacific facility that is in the District's service area. The District was responding to a broken water meter incident (identified through reviewing water account data) and identified three businesses that were operating on a single property with one water account. The District required the different businesses to obtain their own, individual water accounts. During this investigation, the District also discovered that the small-scale Georgia Pacific operation was discharging process wastewater to the collection system approximately twice per month. The District planned to issue a permit to regulate discharges from the operation, but it was unsure what classification of permit to assign to the facility.

It is recommended that the District continue its investigation of the businesses' operations and ultimately issue permits to the facilities in its service area that may contribute discharges with the potential to negatively impact the POTW. The District is reminded that according to 40 CFR 403.8(f)(1)(iii) the District must "control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements."

6. Control Mechanisms

To ensure compliance with applicable pretreatment standards, the federal pretreatment regulations at 40 CFR 403.8(f)(1)(iii) require POTWs to control the discharges from nondomestic dischargers by using control mechanisms (permits or other similar means).

According to the District's *2014 Annual Pretreatment Report*, the District permitted facilities as different classes (1 through 5), depending on the type of industry. Table 1 below provides a description of the permitted industries.

Table 1. Industries, Organized by Class, Permitted by the District

Permit Class	Type of Industry	Example of Industry	Number of Permits
Class 1	SIUs	Manufacturing facilities and truck washes	10
Class 2	None	N/A	0
Class 3	Non-significant IUs with a potential to impact the WWTF	RV facilities, car washes, agricultural businesses, swimming pool companies	47
Class 4	Food service establishments	Jack in the Box, grocery stores, and Mexican food restaurants	10
Class 5	Other commercial establishments	Warehouses, distribution centers, auto repair facilities, and tire distribution facilities	134

The District's 2014 and 2015 Class 1 permits were reviewed as a component of the 2015 inspection. The District issues Class 1 permits with a 1-year duration to its 10 SIUs. The

District also issues Class 1, 3, 4, and 5 permits for a duration of one year. According to the permits reviewed during the 2015 inspection, Class 1, 3, 4, and 5 permits were set to expire on December 31, 2015. According to the District's General Manager, the SIU permits have more stringent monitoring and sampling requirements than those of the non-significant IUs. More detail on the permits issued to the various nondomestic dischargers by the District are provided in Section 6.1, through Section 6.6, below.

6.1 Reissuance of SIU Permits

According to the 2014 audit report, the District representative stated that the SIU permits were expired. Therefore, the District's SIUs were discharging to the District's POTW with expired (invalid) permits. The District representative had stated that the recent retirement of the previous general manager had precluded the SIU permits from being renewed. The District was required to ensure that IU permits do not expire before issuing updated permits in order to control wastewater contributions to the POTW from each industrial user as required at 40 CFR 403.8(f)(1)(iii).

As a component of the 2015 inspection, the SIU and other non-residential permits were reviewed. The permits reviewed included issuance and expiration dates. The District had re-issued the 2015 SIU and other permits on January 1, 2015, and the permits were set to expire on December 31, 2015. The District Manager had not signed or dated the permits that were provided to the Inspection Team. It was unclear if the permits issued and provided to the industrial users had been signed and dated. In order to ensure that the permits are in effect, it is strongly recommended that the District Manager ensure that permits are signed and dated. It is also recommended that the District keep a hardcopy or signed e-copy of the signed and dated permits that were issued to the nondomestic dischargers to ensure that the permits were signed and dated by the appropriate District representative.

6.2 Permit Effective Date

According to the 2014 audit report, "As required at 40 CFR 403.8(f)(1)(iii)(B)(1), permits must contain a statement of duration, not to exceed five years. During the 2014 audit, it was determined that the permits reviewed had an issuance date and an expiration date but did not have an effective date. Permits should be issued before their effective dates so that permittees are aware of their limitations, obligations, and requirements before they are held responsible for upholding those permit conditions. From the information provided on the permits, the audit team could not determine if permits were issued prior to becoming effective. Therefore, the District was required to implement the appropriate changes to ensure and document that the permits are issued before their effective date."

As a component of the 2015 inspection, the SIU and other permits were reviewed. The 2015 SIU and other permits had been re-issued on January 1, 2015 and were set to expire on December 31, 2015. Although the permits were not set to expire until the end of 2015, the District Manager had not signed or dated the permits that were provided to the Inspection Team. It was unclear if the permits issued and provided to the industrial users had been signed and dated. In order to ensure that the permits are in effect and are issued before they become effective, the District is required to implement the appropriate

changes to ensure and document that permits are issued before their effective date. The permits must state an issue date and an effective date, accordingly.

6.3 Sampling Location

The 2014 audit report stated that the District's wastewater discharge permits required that the permittees monitor outfall 001. However, this sampling location is not defined, described, or depicted in the permits. In order to ensure that samples are collected at the correct locations, the District was required to include a unique and specific description of the sampling locations in the permits as stated in the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4).

As a component of the 2015 inspection, the Kinder Morgan permit was reviewed, and the permit did not include a location where samples are required to be collected for compliance purposes. The 2015 Kinder Morgan permit and other SIU permits reviewed as a component of the inspection referred to "measurement location 001." However, this measurement location was not described or explained in detail in the permits reviewed. Therefore, the District is required to include the sampling locations in the control mechanisms as required by 40 CFR 403.8(f)(1)(iii)(B)(4).

6.4 Statement of Civil and Criminal Penalties

The 2014 audit report describes that Part 1.14 of the District's wastewater discharge permits states, "Failure to comply with any provisions of this permit, Ordinance 01-13-2004, or applicable State or Federal laws or regulations may result in ... (c) civil and/or criminal penalties." However, the draft 2014 SUO provided to the audit team by the District was Ordinance No. 2013-1. The District was required to update the SUO reference in the permits to the most recent version of the SUO.

During the 2015 inspection it was observed that Section 13(c) of the Standard Conditions of the wastewater discharge permits contained a statement of the civil and/or criminal penalties. Therefore, according to the information reviewed during the 2015 inspection, the District had appropriately modified the SIU permits to include the statement of civil and criminal penalties.

6.5 Effluent Limits

According to the 2014 audit report, 'The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3) state, permits are required to include effluent limits.' As a component of the 2014 audit, the RockTenn CP, LLC permit was reviewed. It was identified that the effluent limit for iron was not included in the RockTenn permit. However, according to part 3.2 of the facility permit, RockTenn was required to collect a grab sample for iron in June from measurement location 001. The District was required to amend the RockTenn permit to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3)."

As stated previously, the local limits included in the 2004 SUO were still in effect at the time of the 2015 inspection. The local limits provided in the 2004 SUO were inconsistent with the local limits/effluent limits included in the 2014 and 2015 SIU wastewater

discharge permits. Table 2 compares the local limits that had been adopted by the City in the 2004 SUO and the limits included in the 2014 and 2015 SIU permits. It should be noted that the limits included in the 2014 permits were identical to one another. Likewise, the local limits in the 2015 permits were identical from one permit to the other. The 2014 permit and 2004 SUO state that the units for the local limits were in parts per million (ppm). The local limits in the 2015 permit are provided in milligrams per liter (mg/L). See the paragraph below the table for an explanation of why some parameters are in bold-face type and some are italicized.

Table 2. Comparison of Local Limits in the 2004 SUO to Those in the 2014 and 2015 Nonresidential Permits

Parameter	Local Limits per the 2004 SUO (ppm)	Local Limits per the 2014 Permit (ppm)*	Local Limits per the 2015 Permit (mg/L)
Iron	1.0	Not applicable (N/A)	N/A
Arsenic	5.0	5.0	5.0
Cadmium	0.1	0.1	0.1
Copper	5.0	5.0	5.0
Barium	10.0	10.0	10.0
Boron	8.0	8.0	8.0
Lead	5.0	5.0	5.0
Benzene**	0.02	N/A	5.0
Zinc	5.0	5.0	5.0
Aluminum	5.0	5.0	5.0
Nickel	5.0	5.0	5.0
Silver	5.0	5.0	5.0
Phenols	1.0	N/A	1.0
Chromium	5.0	5.0	5.0
Mercury	0.2	0.2	0.2
Selenium	1.0	1.0	1.0
pH range***	6.0–9.0 pH units	6.0–9.0	5.5–9.0
Electrical conductivity (EC)	1,000 umho/cm. 7,000 umhos/cm for user with a flow volume < 3,000 gpd or < 45,000 gallons per month; such discharge cannot pass through or interfere with the POTW or be an incompatible pollutant.	950 µmhos/cm. 3,000 µmhos/cm for a volume < 3,000 gpd and < 25,000 gallons per month.	950 µmhos/cm maximum typical. 4,000 µmhos/cm allowed in batches not to exceed 10,000 gallons per week.
<i>Biochemical oxygen demand (BOD)</i>	N/A	1,000 (surcharge above 300)	1,000 (surcharge above 240)
<i>Total suspended solids (TSS)</i>	N/A	1,000 (surcharge above 270)	1,000 (surcharge above 300)
<i>Chemical oxygen demand (COD)</i>	N/A	1,000	1,000
<i>Oil and grease</i>	N/A	100	100****

Parameter	Local Limits per the 2004 SUO (ppm)	Local Limits per the 2014 Permit (ppm)*	Local Limits per the 2015 Permit (mg/L)
<i>(O&G)</i>			
<i>Polar oil and grease</i>	N/A	N/A	300
Chloride	N/A	N/A	No limit listed
Cyanide	N/A	N/A	No limit listed
Ammonia, as N	N/A	N/A	No limit listed
Nitrite+Nitrate, as N	N/A	N/A	No limit listed
Phosphorous	N/A	N/A	No limit listed
Fluoride	N/A	N/A	No limit listed
Diazinon	N/A	N/A	No limit listed
Calcium	N/A	N/A	No limit listed
Magnesium	N/A	N/A	No limit listed

*Monthly average, unless stated otherwise.

**The 2004 SUO refers to the parameter as “Benene.” The Inspection Team assumed this was a typographical error, and the parameter should be “Benzene,” which is the parameter stated in the 2015 permit.

***The 2004 SUO refers to the units for pH as “pH units.” The 2014 and 2015 permits do not include units for pH.

****The Kinder Morgan and Rio Bravo Permits had an O&G limit of 100 mg/L. However, the Air Products, PPG, RockTenn, and Stratas Foods permits have an O&G limit of 200 mg/L.

It was unclear to the Inspection Team why the limits for the various parameters included in the 2004 SUO, 2014 SIU permits, and 2015 SIU permits were inconsistent. In addition, it was unclear to the Inspection Team if these modified limits had a technical basis. It was also unclear why the parameters in the bold-face type were listed in the 2015 permits without associated limits. Finally, it was unclear how the District had developed limits for the parameters in the italicized font. Although these limits were provided in the 2015 nonresidential permits, no technical basis for their development was provided to the Inspection Team. The District is required to amend the permits to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3). The District is reminded that local limits must be technically based and adopted by the District before they can be applied to the industrial users. The District is also reminded that in the event that local limits are relaxed or removed, the District must receive approval from the Central Valley Regional Water Board prior to adopting and implementing the relaxed or removed limits.

6.5.1 Sampling Type and Frequency

According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4), individual control mechanisms must be enforceable and contain self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type. As a component of the 2015 inspection, the 2014 Rio Bravo Fresno and 2015 Kinder Morgan

permits were reviewed. The Inspection Team observed that the sample type required for flow was not listed in the 2014 Rio Bravo Fresno permit and was listed as “grab” in the 2015 Kinder Morgan permit. It was unclear to the Inspection Team how flow was to be measured. The District’s General Manager stated that the permits should be amended to state that samples for flow are to be measured using a flow meter.

The 2015 Kinder Morgan permit also stated that the sampling frequency was “per slug discharge.” The Inspection Team discussed the definition of “slug discharge” with the District representatives and observed that the District representatives were confusing the term “batch discharge” with “slug discharge” and that the intent of the sampling frequency in the permit was for “batch discharges.” The District and Inspection Team had in-depth conversations about the meaning and applicability of each term. The District is required to include the correct measurement method for flow and the appropriate sampling frequency for each parameter in the SIU permits in accordance with the regulations at 40 CFR 403.8(f)(1)(iii)(B)(4).

6.5.2 Application of Local Limits

According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3), permits are required to include effluent limits. As a component of the 2015 inspection, the 2014 Rio Bravo Fresno permit and the 2015 Kinder Morgan permit were reviewed. The 2014 Rio Bravo Fresno permit included a list of local limits but did not state how these limits were to be applied (daily maximum, monthly average, etc.) Therefore, it was unclear if the District intended to evaluate the results submitted with self-monitoring data against the local limits as daily maximum or monthly average limits. Furthermore, it was unclear if the District intended to take enforcement action against the industries for effluent discharges that were outside of the permitted limits (as daily maximums, monthly averages, or both). For more information regarding the District’s process for requesting, receiving, and analyzing results, in addition to potential permit violations, refer to section 8.4, *Requesting, Receiving, and Analyzing Reports* and Section 9, *Enforcement*.

Section 2(c) of the 2015 Kinder Morgan permit states that the local limits are to be applied as monthly average limits. The 2004 SUO does not state how the local limits are to be applied. Therefore, the technical basis for applying the local limits as monthly averages was unclear to the Inspection Team. The District is required to ensure that the local limits are technically based and that the method in which they are applied is also technically derived. The District is required to include the frequency with which the local limits are to be applied in the SIU permits so that the industrial users are aware of applicable effluent limitations in accordance with the regulations at 40 CFR 403.8(f)(1)(iii)(B)(3).

6.6 Reporting and Notification Requirements

According to the 2014 audit report, the permits did not include a statement requiring the permittees to notify the District in the event of a bypass. The District was required to modify the permits to include the notification of bypass statement located at 40 CFR 403.17(a–c) of the federal regulations.

As a component of the 2015 inspection, the Inspection Team reviewed the 2014 Rio Bravo Fresno and 2015 Kinder Morgan permits to determine if they had been modified to include the notification and prohibition of a bypass in accordance with the requirements of the 2014 audit. The term “bypass” was defined in the 2014 and 2015 permits and the prohibition regarding bypass was included in the 2014 Rio Bravo Farms permit. However, the 2015 Kinder Morgan permit includes the definition of bypass but does not specifically prohibit an industrial user from bypassing its pretreatment system. Therefore, the District is required to include the prohibition of bypass in the industrial user permits according to 40 CFR 403.17(a–c) of the federal regulations.

7. Application of Pretreatment Standards and Requirements

The federal pretreatment regulations at 40 CFR 403.8(f)(1) require the District to have the legal authority to require compliance with applicable pretreatment standards and requirements, and to ensure compliance with these standards and requirements through the use of control mechanisms such as permits. Several deficiencies were identified with the SIU control mechanisms reviewed as a component of the 2015 inspection. For more information regarding these deficiencies, refer to Section 6, *Control Mechanisms*, above.

According to 40 CFR 403.8(f)(2)(iii), the POTW is required to develop and implement procedures to notify industrial users of applicable pretreatment standards and any applicable requirements. The POTW shall notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status. When reissuing the wastewater discharge permits during 2015, the District was unaware if categorical limits were to be applied to any of the SIUs.

Due to this uncertainty, the District included a statement in the 2015 Kinder Morgan permit requiring that the facility submit a toxic organic management plan (TOMP) or, if the facility did not submit a TOMP, it could be required to sample for the 126 priority pollutants listed in Appendix A of 40 CFR 423. The regulations at 40 CFR 423 are for the regulation of discharges from categorical operations regarding steam electric power generation, which is not applicable to the Kinder Morgan facility because the facility is a truck wash and does not conduct or generate wastewater from categorical operations. Therefore, the District is required to notify each significant industrial user of its status and of all requirements applicable to it as a result of such status in accordance with 40 CFR 403.8(f)(2)(iii).

8. Compliance Monitoring

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(v) require a POTW to develop and implement an inspection and monitoring program to determine, independent of information supplied by nondomestic dischargers, compliance or noncompliance with applicable pretreatment standards and requirements. Furthermore, 40 CFR 403.8(f)(2)(vii) requires POTWs to investigate instances of noncompliance and to enforce the regulations as necessary.

8.1 Compliance Sampling

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be sampled at least once each year unless the POTW has authorized a CIU to forego sampling of a pollutant regulated by federal pretreatment requirements. Then the POTW must sample for the waived pollutant(s) at least once during the permit term [40 CFR 403.8(f)(2)(v)(A)].

During the 2014 audit, the Contract Engineer's files for the SIUs were reviewed for documentation of annual compliance sampling activities, since the District did not maintain its own industrial user files. It was found that compliance sampling events for 2013 were not documented in the Rio Bravo, Stratas Foods, Air Products and Chemicals, or PPG Industries SIU files. Therefore, it could not be determined if the District performed annual compliance sampling events at these facilities. The District was required to ensure that compliance sampling activities are conducted at SIUs a minimum of once each year as stated in the federal regulations at 40 CFR 403.8(f)(2)(v).

The District's General Manager stated that the District conducts compliance sampling at the SIUs at least once per year. However, according to information provided in the District's *2014 Annual Pretreatment Report*, the District did not sample Stratas Foods, RockTenn, Rio Bravo, PPG Industries, Air Products and Chemicals, or Kinder Morgan. The Inspection Team requested documentation for sampling events from the District representatives. The District representatives provided access to the electronic copies of sampling data from the SIUs collected in 2014 and the beginning of 2015. The sampling data on file included self-monitoring results from the SIUs but did not include documentation of compliance samples collected at the SIUs by the District. Therefore, the District is required to ensure that it collects and analyzes samples at each of the SIUs at least annually in accordance with the federal regulations at 40 CFR 403.8(f)(2)(v). The District should also maintain documentation of compliance sampling events it conducts.

The site inspections conducted as a component of the 2015 inspection revealed several instances in which the District and the SIUs were not collecting samples from the same location. For more information regarding these inconsistencies, refer to Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*.

8.2 Compliance Inspections

The regulations at 40 CFR 403.8(f)(2)(v) require that all SIUs be inspected at least once each year, unless a discharger is subject to the reduced reporting requirements under 40 CFR 403.12(e)(3); then the POTW must inspect these dischargers at least once every 2 years [40 CFR 403.8(f)(2)(v)(C)].

According to the information provided in the District's *2014 Annual Pretreatment Report*, each of the SIUs was inspected twice, with the exception of Fifth Wheel Truck Stop, which was reported to have been inspected six times. As a component of the 2015 inspection, the Inspection Team reviewed a number of the District's inspection reports for Kinder Morgan and Speedy Truck Wash.

The Kinder Morgan inspection report was detailed and the District representative conducting the inspection recorded information for most of the sections of the District's

inspection checklist. However, the inspection report was not dated or signed, therefore it was unclear to the Inspection Team who conducted the facility inspection and when it was conducted. An undated and unsigned inspection report for the Speedy Truck Wash facility was also reviewed. The information recorded on the facility inspection checklist was incomplete and lacked detail regarding wastewater generating processes, facility operations, discharge practices, sampling locations, chemical storage, and overall treatment of wastewater. Since the inspection reports were not dated, the Inspection Team could not confirm that all SIUs had been inspected at least once in 2014. Therefore, the District is required to inspect each SIU at least once a year as stated at 40 CFR 403.8(f)(2)(v).

It is also strongly recommended that the District thoroughly document the SIU inspections. Specifically, the inspection reports should capture the uniqueness of each inspection and include information related to the processes reviewed, discussions held, change in process, and other information pertaining to wastewater generation, treatment, and discharge.

8.3 Nondomestic Discharger Site Inspections Conducted during the Inspection

Five of the permitted nondomestic dischargers were inspected as part of the 2015 inspection. The dischargers were selected to represent facilities of varying size and classification. The full site visit data sheets completed as a result of these site visits are included in Attachment A of the report. The following was observed during the nondomestic discharger site visits:

- *Fifth Wheel Truck Stop.* The facility is a truck wash for large semi-trailer vehicles. Tanker trucks were not observed at the facility at the time of the inspection. The District has taken various enforcement actions against the facility for discharging high concentrations of detergents, which caused foaming at the WWTF, ultimately resulting in an upset of the operations at the WWTF. The District classified the facility as an SIU because of its reasonable potential for adversely affecting the POTW's operations.

The facility discharged wastewater, which was pretreated by an oil/water separator, from its truck washing operations to the District's POTW. A storm water issue was observed during the facility site inspection (described below).

The facility consisted of a building with three wash bays. One of the wash bays was used for maintenance operations. Two of the wash bays were used for truck washing and were in use at the time of the inspection. The facility also had an office space in a small shed.

The facility has two in-ground oil/water separators that treat the truck wash waters before they are discharged to the District's POTW.

The Inspection Team arrived at the facility and attempted to find and inform a facility representative of the purpose of the site inspection. The Inspection Team

located a representative who spoke little English, identified themselves, and explained the purpose of the inspection. During the conversation, another individual became involved and translated for the representative. The Inspection Team asked about the treatment of the wastewater generated at the facility and the maintenance activities for the oil/water separator. The individual who was translating stated that facility employees clean out the oil/water separators. The Inspection Team asked what the facility employees do with the waste they remove from the oil/water separators. The individual who was translating stated that the solids and debris are loaded into a truck and hauled offsite. The Inspection Team asked if the facility had manifests, receipts, or invoices for these hauling activities. The individual stated that he thought so. The individual was in a hurry and left the facility.

The Inspection Team attempted to ask other workers at the facility about documentation for maintenance activities. The Inspection Team was introduced to another person, who spoke some English. This person stated that facility employees clean out the oil/water separators multiple times per week. The Inspection Team asked what the facility does with the waste and oils removed from the oil/water separators. The person stated that facility employees place the contents from the oil/water separator into the dumpster. It is strongly recommended that the District follow up with the facility to obtain records related to the maintenance activities for the oil/water separators to ensure that the separators are being properly maintained to treat wastewater generated at the facility.

During the inspection of the facility's process area, the Inspection Team observed truck wash water actively flowing from the wash bays to a nearby storm drain. The wash water contained detergent from the truck washing process.

During the interview portion of the 2015 inspection, the District representative explained that the District had identified the Fifth Wheel facility as an industrial user causing an upset at the WWTF. Specifically, the District noticed abnormal foaming at the pumps of the WWTF's headworks. The District inspected a number of manholes and was able to identify that a concentrated foaming agent was being discharged from the Fifth Wheel facility to the POTW; this discharge was causing an upset at the WWTF. The District representative stated the District had taken enforcement actions against the facility. He explained that the District sent letters to the truck washes within its service area; the letters directed the facilities not to discharge highly concentrated detergents to the POTW.

During the facility inspection, the Inspection Team observed a facility employee pouring what appeared to be undiluted detergent onto a truck. The detergent was flowing into the drains and then into the oil/water separator at the facility. It is strongly recommended that the District encourage the facility to develop and implement standard operating procedures (SOPs) to ensure that high concentrations of detergents are not discharged to the POTW in order to minimize an upset from occurring at the District's WWTF. These SOPs should be developed to ensure the facility uses consistent methods to apply detergent during

the truck washing operations, thereby providing consistency in the nature and characteristic of the wastewater generated and discharged from the facility. It is also recommended that the facility develop and implement SOPs for maintaining its oil/water separators.

During the site visit, the Inspection Team also observed a facility employee washing under the hood of one of the tractor trailer trucks. Although the wash waters generated at the facility are treated by an oil/water separator prior to being discharged to the POTW, it is recommended that the District evaluate this practice for how it may impact the quality of the wastewater discharged to the POTW.

- *Kinder Morgan SFPP, L.P.* The facility is a fuel distribution facility. The facility's operations include the storage, distribution, and modification of various types of fuels. The fuels are modified by the injection of various additives. The District had permitted the facility as a Class 1 SIU due to the potential of the discharges from the facility to negatively impact the POTW.

The facility discharges pretreated rain and wash waters, as well as minor spills from the facility's process areas to the POTW. The facility stored and transferred fuel products to tanker trailers. Additives were injected to various fuels as the fuel was transferred into the tanker trailers. The facility's process operations and tank farm areas were not inspected as a component of the inspection.

The facility's pretreatment system is comprised of a rock trap, an oil water separator, two 10,000-gallon holding tanks, two 25-micron sock filters, and two 2,000-gallon liquid granular activated carbon (GAC) filters, arranged in series.

The facility representatives were asked for an operational sketch of the facility wastewater process. The facility representatives provided a sketch to the Inspection Team. Three modifications were made to the sketch based on conversations during the 2014 inspection. These modifications included: 1) a rock trap had been installed prior to the oil/water separator; 2) waste oil collected in the oil water separator was hauled offsite to a refinery for processing; and 3) the pretreatment system has the ability to recycle effluent back to the holding tanks for retreatment prior to discharge. It is strongly recommended that the District request the facility to modify its process area schematic and obtain a current version of the schematic to keep on file.

A majority of the discussions during this inspection focused on the facility's activities associated with identifying the sources of high EC in the facility's wastewaters discharged to the District. Facility representatives stated that a product sampling program had been implemented to document EC concentrations of products onsite and to further evaluate possible EC sources in the facility's wastewater.

District representatives stated they had experienced a number of issues with high EC loading discharged from the facility to the POTW in the past. As a result, the District issued the facility a Class 1 IU permit. In response to the high EC loading

issues from the facility, it is strongly recommended that the District formally conduct an in-depth evaluation of the sources of the EC loading. As a component of the evaluation, the District shall inspect the operations associated with fuel transfer and cleanup operations. The District should also review the facility's SOPs for fuel loading/offloading, fuel additive injection, general cleanup, spill response, and pretreatment system operation. It is further recommended that the District thoroughly document these findings in an investigation report.

As previously mentioned, the District representatives had confused the terms "slug discharge" and "batch discharge." Specifically, the District had required the facility to develop and implement a "slug discharge plan." However, upon further review of the document, the Inspection Team identified that the District was describing batch discharge practices instead of slug discharge prevention. Therefore, it is strongly recommended that the facility's discharge practices be described as a "batch" discharge instead of as a "slug" discharge. It is further recommended that the District require the facility keep a batch discharge log to document the date, time, and volume of batch discharges from the facility to the POTW.

- *PPG Industries.* The facility produces flat and tempered glass products for various industries. The purpose of the inspection was to evaluate the exterior perimeter of the facility. Specifically, the Inspection Team reviewed the outdoor emergency spill and discharge ponds due to recent power outages at the facility. According to District representatives, a power outage had recently occurred at the facility in 2015. The facility sampling location was also inspected as a component of the site visit. The process operations were not discussed or inspected during the facility inspection. The City had permitted the facility as a Class 1 SIU due to the potential for the facility's discharges to adversely impact the POTW.

The facility had recently experienced a power outage that caused the primary and secondary power systems at the facility to fail. The power failure caused the electrical power-driven process operations to shut down, which included the control movement of molten glass and cooling systems. Due to the extreme temperature of the molten glass, the system was designed with an emergency system to provide protection in the event of a power failure. For instance, during the power outage, the molten glass and cooling waters were gravity fed to the facility's "Frit Pit" (located outside the back of the facility).

The facility's pretreatment system was not inspected as a component of the site visit. The site visit focused on the inspection of the facility's emergency spill and discharge ponds, in addition to the sampling location.

During power outages, wastewaters were not discharged to the District's POTW. The facility representatives were asked to describe the general events associated with the facility's recent power failure. *The following is a very general overview of the discussions with facility representatives:*

The facility lost its primary power feed from the grid. The facility employees attempted to use the facility's onsite generator as a secondary power source, which failed to operate. Due to the nature of the molten glass, the facility had a number of operational support systems to control temperatures of piping assets so that the pipes didn't overheat and fail during process operations. The majority of the operational support systems rely on electricity as a power source to operate. The facility's fail-safe systems were designed to utilize gravity and a floor trench system to convey molten glass and liquids from the process areas to a "Frit Pit", and then to an emergency pond if needed (refer to the attached Image Log).

It is strongly recommended that the District require the facility's corrective actions associated with the failure of the secondary power source be reviewed with the facility representatives to ensure that the facility's emergency assets are being properly maintained.

The second component of the site inspection focused on the collection of representative samples. The wastewater samples are collected from the discharge line of the facility's sewerage lift station. These samples would be representative of all wastewater generated at the facility, including the domestic wastewater. The facility had pH and conductivity probes positioned in the discharge line from the lift station. The probes were continually reporting water quality values as if the facility was continually discharging to the POTW, even if wastewater was not being continuously discharged to the POTW. It was unclear to the Inspection Team if the probes would provide representative measures of the wastewater at the facility. Specifically, it was unclear if the probes were positioned in a way in which they were not collecting measurements from pooling water during times when wastewater was not being discharged to the District. Likewise, it was unclear if the facility removed the probes from the wastewater when the facility was not discharging in order to obtain a sample that was representative of the facility's daily discharge.

At 11:40 a.m. the facility's meters reported the following readings: pH = 4.91 standard units, EC = 836 micromhos per centimeter ($\mu\text{mhos/cm}$), and flow = 0 gpm. These readings provided further evidence that wastewater was not continuously discharging from the facility at the time of the inspection and that the water quality readings did not appear to be representative of actual discharge.

According to the regulations at 40 CFR 403.12(b)(5)(ii), the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations. Due to the uncertainties observed with the facility's wastewater probe locations and probe readings, it did not appear that the facility was collecting samples that were representative of the facility's daily operations. The District is required to further evaluate the operating conditions of the effluent quality probes to ensure that representative wastewater samples are being collected in accordance with the regulations at 40 CFR 403.12(b)(5)(ii). The District is reminded that the sampling location must be representative of the process wastewater generated at the facility. The sampling point should be located

upstream of the discharge location and prior to the introduction of domestic wastewater in order to obtain a representative sample that is not diluted by other unregulated waste streams.

As previously stated, the process area of the facility was not inspected as a component of the site visit. However, in the event of an emergency, the District should review the facility's process area clean up procedures with the facility representatives to understand how the facility may clean up after an emergency. Specifically, how the facility may clean up the process area after the molten glass has been diverted to the Frit Pit. Therefore, it is strongly recommended that the District formally request a copy of the facility's SOPs for general cleanup and spill response to identify the possibility of slug discharges to be generated and discharged from the facility to the POTW after an emergency event or power failure.

- *RockTenn CP, LLC*. The facility is a packaging company that produces corrugated cardboard for a variety of customers. The facility generates wastewater from its cleaning and equipment washing processes, and reuses the wastewater in its starch making process. The District permitted the facility as an SIU due to the reasonable potential for discharge from the facility to adversely affect the POTW's operations.

The facility discharged wastewater from its cooling towers to the District. In the past, the facility had discharged pretreated process wastewater from its equipment washing operations to the District. However, at the time of the inspection the facility treated the wastewater from the equipment washing process and reused it in the starch manufacturing process. The facility reported only discharging cooling tower blowdown and domestic wastewater to the District at the time of the inspection.

The facility was large; thus, a cursory inspection of the process area was performed. The following was observed regarding the process area during the inspection:

- Corrugated paper area—The facility's corrugated cardboard manufacturing was conducted in this area. Here, large rolls of paper were used to produce sheets of cardboard. The corrugated medium was adhered to liner sheets using starch glue. Once the sheets of corrugated paper were dry, logos and labels were printed on the boxes with water-based inks.
- Water treatment area—This area of the facility housed the water treatment process. Wastewater generated from the cleaning and equipment washing processes was collected and treated to a standard that allowed the wastewater to be reused in the starch glue production process. Wastewater generated from the equipment and cleaning process was collected in a sump outside of the machine used for stamping ink logos and labels onto

the corrugated boxes. There were two ink printing machines, and each had a sump for wastewater collection.

After the wastewater was collected in the sumps, it was pumped to a large equalization tank. From the equalization tank, the wastewater was pumped to a 7,000-gallon treatment tank that was equipped with a mixer; caustic was added at this location. Wastewater went through a filter press and was sent to a filter pit. From here, the wastewater was pumped to the “Ringwood process water tank,” sent through a chiller, and finally used in the production of starch glue.

The facility does not have a pretreatment system for the cooling water that it discharges to the District. However, cooling tower blowdown from the facility’s chiller is pumped to a “mixing tank,” where the electrical conductivity (EC) and pH of the wastewater are measured before the wastewater is discharged to the District. The S&E Manager explained that the facility has the ability to recirculate the wastewater if it is not within the permitted discharge limits. Specifically, the facility has an electronic system that measures the EC and pH of the wastewater. If the wastewater is not within the permitted limits, a programmable device shuts down the facility's discharge point to the District and recirculates the wastewater for treatment until it reaches the permitted limits. The facility representative mentioned that the facility has not had to recirculate and treat the cooling tower blowdown discharged to the District in the past but has the chemicals onsite to recirculate and treat the wastewater if necessary. The facility representative stated that the wastewater is discharged from the mixing tank once the tank reaches a specific volume.

During the inspection of the mixing tank at the facility, the Inspection Team inquired about where the facility collected its samples for self-monitoring purposes. The facility representative stated that grab samples were collected from a small line after the mixing tank but prior to the discharge point. The District Environmental Compliance Inspector stated that the District collected compliance samples from a manhole in the street (approximately 200 yards from the facility’s sampling location).

According to the federal regulations at 40 CFR 403.12(b)(5)(ii), samples should be representative of daily operations. Additionally, the federal regulations at 40 CFR 403.12(b)(5)(iv) state that samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If the District collects samples from the manhole in the street, the process water may be diluted by domestic wastewater or various other waste streams discharged upstream of the manhole. Therefore, the District is required to ensure that it identifies a sampling location that is both representative of the facility’s daily process operations and is located downstream of the facility’s oil and water separator, but prior to where mixing with other waste streams would occur in accordance with the federal regulations at 40 CFR 403.12(b)(5)(ii) and (iv). Further, the District should ensure that the

District and facility are collecting samples for compliance purposes from the same location.

- *Speedy Truck Wash, Inc. (formerly Moga Truck Wash)*. The facility operates a two-bay truck wash and conducts maintenance and washing activities for semi-trailer trucks. The District has classified the facility as a Class 1 SIU due to the potential for the facility's discharges to negatively impact the POTW.

The perimeters of the vehicle wash bays were used to store cleaning equipment including concentrated cleansers, power wands, and various hoses. Wastewater generated within the vehicle wash bays drained to a series of floor trenches that conveyed wash waters and possible spills to the facility's wastewater sump. Numerous hoses from various sources were observed on the ground within the vehicle wash bays. The facility discharges pretreated truck wash waters to the POTW. The Inspection Team also observed the ability for spills occurring at the facility to discharge to trench drains and ultimately to the POTW.

The facility's pretreatment system consisted of a sump and a "Water Maze" package treatment system to treat wastewater prior to discharging to the POTW.

Wastewater from the facility's truck washing operations and potential spills in the process area are collected via a floor trench drain system. The floor trench drain system leads to the facility wastewater sump and is pumped through a PVC pipe to the Water Maze package treatment system. The Water Maze has a clarifier containing lamella plates and an oil skimming unit for the collection and removal of solids and greases. The Water Maze system discharges to the sewer via a segregated PVC pipe housing pH and electrical conductivity probes. The PVC pipe flows to a newly installed sampling box prior to the POTW. The facility had implemented pH and electrical conductivity probes at the time of the inspection. However, the placement and reading of the probes may not be representative of the wastewater discharged and discharged from the facility.

The wastewater sump also had a secondary pump that delivered wastewater to a garden hose that returned wastewater to the sump. The purpose of the secondary pump and hose was unclear to the Inspection Team and unknown by the facility representative at the time of the inspection.

The facility had not developed or implemented written SOPs for its process operations. Without written SOPs for the mixing and use of concentrated cleansers, the actual concentration and quality of wash solutions used in the facility may vary on a regular basis. Depending on the concentration/quality of the wash solutions slug or slug-like discharges may be discharged to the POTW. It is strongly recommended that the District require the facility to develop SOPs for the use, storage, and mixing of concentrated cleansers at the facility.

It is also strongly recommended that the District evaluate the potential slug discharges that may be generated and discharged from the facility. Specifically,

the District should evaluate possible spills of concentrated cleanser used to remove oils and greases and spill or leaks from 55-gallon drums of cleansers. During the inspection, the District representative was confusing the term “slug discharge” with “batch discharge.” The District should, in very precise language, discuss “slug” discharge concerns with the facility representative as stated in 40 CFR 403.8(f)(2)(vi) and ultimately determine the need for the facility to develop and implement a slug discharge control plan.

The pH and electrical conductivity probes were housed in PVC piping. The actual condition and operational positioning of the probes could not be verified without disassembling the effluent piping. The operational positioning of the probes is critical concerning some of the recorded measurements contained in the facility’s discharge log. Many of the effluent pH readings were below 6.0 standard units (s.u.). In addition, 15 of the pH readings were below a pH value of 4.0 s.u. and seven readings were below pH value of 3.0 s.u. Based on the log entries, the pH readings are taken at the start of the day (between 7:00 and 9:00 a.m.). It was unclear to the Inspection Team if wastewater was actually being discharged to the POTW at the time the pH measurements were recorded. Specifically, it was unclear if the probes were sitting in pooling wastewater or sitting dry in the pipe during off hours or times in which the facility was not processing wastewater through the Water Maze unit.

According to the regulations at 40 CFR 403.12(b)(5)(ii), the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations. Due to the condition and placement of the probes observed onsite, and the uncertainty of the representativeness of the wastewater quality according to the probe readings, the District is required to ensure that permittee’s compliance monitoring is representative of the daily wastewater generation and discharge operations at the facility in accordance with the regulations at 40 CFR 403.12(b)(5)(ii)

Based on the discussions with facility representatives, compliance samples gathered by the District are collected from the manhole on South Front Avenue in front of the wash bays, and not at the newly-installed sampling box within the facility’s fence line. The wastewater samples collected from the manhole within the street may be diluted with wastewater generated and discharged from other facilities, and thus would not be representative of wastewater generated and discharged from the facility. The District is required to ensure that District compliance monitoring is representative of the wastewater generated at the facility in accordance with the regulations at 40 CFR 403.12(b)(5)(ii). In addition, it is strongly recommended that the facility’s sampling box be evaluated for its ability’s to provide a representative sample without special sampling techniques (i.e. damming of wastewater flows in sampling box).

The pH and electrical conductivity digital display was reporting effluent quality values at the time of the inspection. The conductivity was measured as 1,312

micromhos per centimeter ($\mu\text{mhos/cm}$) and the pH was measured as 5.73 s.u. at approximately 10:30 a.m.

According to Part 1.8 of the facility's permit, "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 User at the User's own cost and expense." Due to the large variation of the pH and electrical conductivity measurements recorded in the facility's log sheet, it was unclear if the facility was properly maintaining its wastewater sampling equipment to obtain accurate readings.

Due to the facility's lack of maintenance records, (including probe cleaning and calibration, solids removal from the clarifier, etc.) for the Water Maze system, and lack of flow to the Water Maze system, the District is required to ensure that the permittee properly maintains its pretreatment system in accordance with Part 1.8 of the facility's permit. It is also recommended that the facility keep detailed records regarding maintenance activities conducted at the facility.

The wash bays had six mobile power spray washers and numerous 200-gallon totes and 55-gallon drums positioned around the perimeter of the bays. The facility's wash solution and water delivery systems had a lot of cross connections, "jerry rigged" assets, and unlabeled lines/hoses. The "jerry rigging" was not limited to the water and cleanser delivery systems. The Inspection Team observed an old plumbing line and faucet being used as an electrical conduit line.

8.4 Requesting, Receiving, and Analyzing Reports

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(iv) require the City to request, receive, and analyze all reports submitted by SIUs. The SIU reports must contain the information required at 40 CFR 403.12.

According to the 2014 audit report, the 2013 self-monitoring data for the RockTenn CP, LLC facility was not included in the facility file. The District was required to adequately request, receive, and analyze reports submitted by SIUs as stated in the federal regulations at 40 CFR 403.8(f)(2)(iv).

As a component of the 2015 inspection, the self-monitoring data submitted by Air Products, RockTenn, and Stratas Foods were reviewed.

The self-monitoring reports submitted to the District by Air Products dated January 12, 2015 included a discharge monitoring report form with sampling results for the parameters that were required to be sampled and submitted by the facility. However, analytical data and chain-of-custody forms were not included with the self-monitoring report submitted by the industry. According to 40 CFR 403.8(f)(2)(iv), the District is required to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the 40 CFR 403.12. According to 40 CFR

403.12(g)(3), sampling must be conducted using the protocols specified in 40 CFR 136. Since the analytical data and chain-of-custody forms were not provided with the self-monitoring report submitted by Air Products, the Inspection Team could not confirm that the samples were collected and analyzed in accordance with the regulations at 40 CFR 136. The District is required to receive and analyze self-monitoring reports and other notices submitted by Industrial users in accordance with the 40 CFR 403.12 as stated at 40 CFR 403.8(f)(2)(iv).

The following additional deficiencies were identified regarding the self-monitoring data submitted by the Air Products, RockTenn, and Stratas Foods facility; and ultimately with the District's process of requesting receiving and analyzing reports.

- The Inspection Team reviewed the data on the Environmental Compliance Inspector's computer (the location identified as housing all relevant SIU data) and identified that the following self-monitoring reports were not included in the SIU files reviewed.
 - Air Products—The 2014 permit required the facility to monitor and record flow on a daily basis and to monitor and submit sampling results for BOD, TSS, copper, lead, and pH semiannually (June and December). According to the information provided in the District's files, the facility did not submit flow monitoring data for January, February, or March 2014.

Also, according to the 2015 permit, the facility is required to monitor and record flow on a daily basis and submit sampling results for BOD, TSS, pH and EC on a monthly basis. According to the information provided in the facility's file, the facility did not submit the monthly self-monitoring data for BOD, TSS, pH, and EC for the first two months of 2015.

- RockTenn—According to the 2014 permit, the facility was required to collect continuous EC samples, daily flow samples, monthly BOD and TSS samples, and weekly pH samples. The facility was also required to collect annual samples for aluminum, arsenic, barium, boron, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, and zinc during the month of June. According to the information provided in the District's file, the facility did not collect and analyze samples for lead, mercury, nickel, selenium, or silver during 2014 as required by its permit. It should also be noted that the facility provided sampling results for the parameters that were sampled in 2014 in an Excel spreadsheet. The spreadsheet did not include analytical data or a chain-of-custody forms.
- According to the 2014 permit, the Stratas Foods facility was required to sample flow on a daily basis; BOD, TSS, pH, and EC on a weekly basis; and oil and grease twice per week. The 2014 Stratas Foods permit does not state how the local limits were to be applied. Therefore, several potential effluent violations were identified, as described in Table 3.

Table 3. Potential Permit Exceedances According to the Self-Monitoring Reports Submitted by Stratas Foods for August 2014

Parameter	Average Monthly Reported Sampling Result	Instantaneous Reported Sampling Result (date)	2014 Permit Limit
BOD	365	No exceedance	1,000 mg/L
TSS	34	No exceedance	1,000 mg/L
EC	714	962 µmhos/cm (8/21/2014)	950 µmhos/cm
pH	7.7	9.3 s.u. (8/21/2014)	6.0–9.0 s.u.
O&G	56	190 mg/L (8/7/2014)	100 mg/L

The information provided in the District’s file for the facility did not indicate the District had identified these potential violations or had taken enforcement action for the instantaneous sample results that exceeded the facility’s permitted limits. Again, the facility’s permit did not specify if the limits should be applied as monthly averages or instantaneous maximums.

The District should review the reports and inform the facilities that pH values cannot be averaged. pH is a logarithmic function used to measure the concentration of hydronium ions in an aqueous solution, it cannot be averaged due to its logarithmic characteristics.

Due to the aforementioned deficiencies, the District is required to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the 40 CFR 403.12 as stated at 40 CFR 403.8(f)(2)(iv).

8.5 Slug Discharge Control Plans

The federal pretreatment regulations at 40 CFR 403.8(f)(2)(vi) require the District to evaluate each SIU, either by October 14, 2006 or within 1 year of its becoming an SIU, to determine whether the SIU needs to develop and implement a slug discharge control plan. A slug discharge is any discharge of a nonroutine, episodic nature, including an accidental spill or noncustomary batch discharge [40 CFR 403.8(f)(2)(vi)]. The regulations also require an SIU to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

As previously stated, at the beginning of the 2015 inspection, the District representatives were referring to facilities that batch discharge wastewater as facilities with “slug discharges.” The Inspection Team asked specifically about the District’s process for inspecting facilities and evaluating the need for those facilities to develop and implement slug discharge control plans. The District provided to the Inspection Team a slug discharge control plan for the Kinder Morgan facility. The Inspection Team reviewed a document titled “Slug Discharge Plan” dated November 4, 2014 stating the “slug characteristics” and the plan to discharge the slug. The plan states, “The low pH of the slug will remain as it is. It will not be adjusted because adjusting it will only cause an increase in EC.”

The Inspection Team thoroughly discussed with the District representatives the difference between a “slug discharge” and a “batch discharge.” The Inspection Team also expressed the importance of preventing the discharge of slugs to the POTW. Additionally, the inspection reports reviewed did not include a section for evaluating the potential for a slug discharge to occur or documentation that the District had evaluated the facility’s need to develop and implement a slug discharge control plan. The District was unable to provide other documentation indicating that the SIUs had been evaluated for the need to develop and implement a slug discharge control plan. Therefore, the District is required to evaluate whether each SIU needs a plan or other action to control slug discharges in accordance with 40 CFR 403.8(f)(2)(vi).

The District is reminded that if SIUs are required to develop and implement slug discharge control plans, those plans must meet the federal requirements at 40 CFR 403.8(f)(2)(vi)(A–D).

9. Enforcement

The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. This plan must contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance.

According to the 2014 audit report, the District representative did not know if the District had implemented an ERP. During the audit, the EPA audit team had discussions with the District’s Contract Engineer, who stated that the District’s ERP was a component of its SUO. The audit team performed a cursory review of the District’s draft 2014 SUO and determined that the ERP was located in Section 3.08.010. This section stated that the District should develop and implement an ERP, which should include a description of how the District would investigate noncompliance, describe escalating enforcement, identify officials responsible for each response, and adequately reflect the District’s primary responsibility to enforce all applicable pretreatment requirements and standards. However, Section 3.08.010 of the District’s draft 2014 SUO did not specifically identify how the District would investigate and respond to instances of industrial user noncompliance, or who is responsible for implementing the enforcement action. The District was required to develop and implement an ERP as stated at the federal regulations at 40 CFR 403.8(f)(5).

Also, according to the 2014 audit report, documentation in the Stratas Foods file indicated the facility had notified the District, via a letter, of a monthly average O&G exceedance on October 17, 2012. According to the September 2012 self-monitoring report, the facility’s monthly average sampling result for O&G was 166 mg/L; the permitted limit for O&G was 100 mg/L. However, the District did not take enforcement action against the facility upon receipt of the letter. The District was required to ensure that the facility notify the District within 24 hours of becoming aware of a violation, as stated in the federal regulations at 40 CFR 403.12(g)(2).

During the 2015 inspection, the District representatives stated that the District had updated its ERP as a component of the SUO review that had occurred in February 2014. The Inspection Team reviewed the District’s response to the Fifth-Wheel Truck Wash

facility's noncompliance and compared the response to the requirements included in the 2014 ERP (available on the District's Web site as part of the "Draft Pretreatment Program" document), which had a revision date of February 25, 2014. The Inspection Team and District representatives discussed the District's enforcement action against Fifth Wheel Truck Stop for discharging wastewater to the POTW that caused a foaming upset at the WWTF. The violations, enforcement actions, and District's response regarding the events are summarized below:

- On September 24, 2014, the facility discharged a slug load with significant amounts of foam to the District's sewer system. Table 4 below summarizes the effluent exceedances identified from the facility's discharge on September 24, 2014.

Table 4. Discharge Exceedances for Fifth Wheel Truck Stop on September 24, 2014

Parameter	Sampling Result	Permitted Discharge Limit
BOD	9,300 mg/L	1,000 mg/L (surcharge in excess of 300 mg/L)
EC	4,800 µmhos/cm	950 µmhos/cm maximum (4,000 µmhos/cm allowed in batches not to exceed 10,000 gallons per week)

- In response to these effluent exceedances, the District issued an administrative citation to the facility on October 10, 2014 for exceeding the District's EC and BOD limit, and failing to report the slug discharge from the facility on September 24, 2014. The administrative citation was for the amount of \$3,000 (\$1,000 per administrative penalty multiplied by the three violations).
- The District again issued a discharge violation letter to the facility on November 13, 2014, re-stating the violations for BOD and EC, and for discharging a slug that caused excessive foaming. The letter stated that the excessive foaming caused by heavy concentrations of detergents discharged into the sewer system had a serious impact on the WWTF processes. The letter also stated that the ownership of the facility had changed and the owner of the facility had failed to inform the District of this change. Under the terms and conditions of the permit, change of ownership without notifying the District is grounds for revocation of the permit. The District stated that it would allow the facility to continue operating as long as the facility complied with the compliance order (enclosed with the violation letter). Finally, the violation letter stated that, as a result of the violations, the facility would be inspected at least once per month to ensure compliance with the facility's permit.
- The District issued a compliance order to the facility with the violation letter, ordering it to, among other things, prepare and submit an application for a permit to discharge non-residential wastewater and to pay all necessary and required fees for said application on or before December 1, 2014. The compliance order also stated, "Failure to comply with this order may result in further enforcement

actions pursuant to the District's Enforcement Response Plan including, but not limited to, revocation of your current discharge permit." The order was not signed or dated by the District.

- On December 15, 2014, an order-to-show-cause-hearing notice was issued to the facility for a hearing scheduled for December 29, 2014; the facility was required to appear in front of the District and show cause why the facility's permit should not be revoked. The order-to-show-cause-hearing notice also summarized the discharge exceedances from the facility and the associated events that led to the issuance of the order to show cause, including the facility's failure to contact the District regarding the slug discharge, administrative citation, or compliance order. The facility also failed to comply with the compliance order by not submitting an application for a non-residential wastewater discharge permit, and the facility failed to pay the administrative citation. The order to-show-cause-hearing notice was not signed or dated by District personnel.

According to the *2014 Annual Pretreatment Report*, "As a result of the enforcement actions taken, the Fifth Wheel owner met with the GM [General Manager] and the ECI [Environmental Compliance Inspector] for a series of meetings and it was agreed that further enforcement action would not be continued in light of Fifth Wheel's understanding of the pretreatment program and their desire to operate in full compliance with their discharge permit."

According to the General Manager, the facility was not officially issued the administrative citation, compliance order, or order-to-show-cause-hearing notice, nor was the facility required to pay the \$3,000 in fees. The District's General Manager explained that these actions were presented to the facility as examples of how the District could respond to the facility's instances of industrial user noncompliance. The District's General Manager further stated the following in an e-mail dated April 22, 2015:

The discretion I took to bring Fifth Wheel into compliance by bringing them into the fold of all dischargers by encouragement and impressing upon them the fact that the District can and will use such measures to enforce compliance. It was in my mind a 'first chance' situation for Fifth Wheel, and a demonstration opportunity for the District to understand and rehearse the ERP. Since the violation did not actually cause an NPDES discharge violation, I felt the actions I took to be appropriate for that situation. I advised the Board of Directors how I handled that situation.

The District's 2014 ERP lists various actions that District personnel are supposed to take in response to instances of industrial user noncompliance (including escalating enforcement actions). Specifically, the 2014 ERP includes Section IV, Informal Enforcement Procedures and Section V, Formal Enforcement Procedures. According to Section VI, Implementation, of the 2014 ERP, when determining the proper enforcement action, the enforcement officer may consider multiple variables, including the "Magnitude of the Violation." According to Section VI.A.1 of the 2014 ERP, the following magnitudes of violation are defined (to name a few):

- Isolated Noncompliance—Generally, an isolated incident of non-compliance that does not threaten public health or the environment, damage public or private property, or threaten the integrity of the District’s Wastewater Control Program, can be met with an informal enforcement procedure response.
 - Examples of enforcement response for instances of isolated noncompliance: Inspection/observation notice, notice of violation, conference with IU, and compliance schedule.
- Significant Noncompliance—Any violation, even an isolated violation, should be met with formal enforcement procedures which include an order that requires a return to compliance by a specified deadline.
 - Examples of enforcement response for instances of significant noncompliance: administrative citation, compliance order, administrative complaint, show-cause hearing, cease and desist order, permit revocation or suspension, water supply severance, injunctive relief, and civil penalties.

The enforcement actions taken by the District in regard to the violations from the Fifth Wheel facility indicate the District considered these discharge exceedances to be “significant noncompliance.” Since the District’s General Manager did not officially issue an administrative citation, compliance order, or order-to-show-cause hearing to the facility for its permit violations, the District is not properly implementing its ERP. The Inspection Team noted that the District’s General Manager had specific reasons for deviating from the instructions of the ERP and used discretion in determining which enforcement actions should be taken in response to the instance of noncompliance. However, the District did not follow the ERP. Therefore, the District is required to develop and implement its response plan in accordance with the federal regulations at 40 CFR 403.8(f)(5).

The District is reminded that the federal regulations have a federal definition for the term “significant noncompliance” stated at 40 CFR 403.8(f)(2)(viii)(A–H). The District’s December 2014 SUO includes the federal definition for the term. It is strongly recommended that the District change its “significant noncompliance” violations terminology in its 2014 ERP in order not to confuse the meaning of the federal definition of “significant noncompliance” with a different meaning for the same term in the 2014 ERP.

Also according to the 2014 audit report, “As stated at 40 CFR 403.8(f)(2)(viii), the District is required to annually publish all facilities in SNC in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW. The District representative stated during the 2014 audit that the District does not publish notices regarding facilities in SNC in a newspaper of general circulation. The District was required to ensure that the names of SIUs in SNC are published in a newspaper of general circulation as stated in the federal regulations at 40 CFR 403.8(f)(2)(viii).”

During discussions with the District representatives as a component of the 2015 inspection, the District representatives stated that they had not performed calculations to determine if any of the District's SIUs were in SNC for the 2014/2015 year. Therefore, the District is required to evaluate if SIUs are in SNC and ensure that the names of SIUs in SNC are published in a newspaper of general circulation as stated in the federal regulations at 40 CFR 403.8(f)(2)(viii).

10. Summary of Requirements and Recommendations

Listed below are the primary requirements and recommendations resulting from the inspection of the District's pretreatment program. For more specific information pertaining to each comment, please refer to the cited sections of the report.

10.1 Requirements

1. The Central Valley Regional Water Board considered the District's 2004 SUO (the last version the board had approved) to be in effect for the pretreatment program at the time of the inspection. At the time of the inspection, the SUO on the District's Web site contained updates that were not in the 2004 version of the SUO. According to information provided on the District's Web site, the ordinance had been adopted on December 9, 2014. Therefore, the SUO being implemented by the District differs from what the Central Valley Regional Water Board has approved. Substantial modifications to the pretreatment program must meet the federal requirements at 40 CFR 403.18(c), which require the District to submit to the Central Valley Regional Water Board a statement of the basis for the desired program modification, a modified program description, or other documents the Central Valley Regional Water Board determines necessary under the circumstances. The District is required to have approval from the Central Valley Regional Water Board for substantial SUO modification prior to implementing the SUO. (Section 2.2, *Results and Status of the 2014 Pretreatment Compliance Audit*, Section 3.1, *Legal Authority*, and Section 4, *Local Limits*)
2. District representatives appeared unaware of how and when to perform SNC calculations. The District is required to perform calculations to determine if any of its SIUs are in SNC with the criteria provided at 40 CFR 403.8(f)(2)(viii)(A)–(H). In the event that an SIU meets the criteria for SNC, the District is reminded that it must publish this industrial user(s) in a newspaper(s) of general circulation to provide meaningful public notice to the jurisdiction(s) served by the POTW in accordance with 40 CFR 403.8(f)(2)(viii). (Section 2.3.1, *Significant Non-Compliance* and Section 9, *Enforcement*)
3. At the time of the 2015 inspection, the District was in the process of developing technically-based local limits, but had not completed the sampling phase for developing the local limits. The District's General Manager stated that the planned completion date for the local limits study was June 2015. However, the District has since extended that completion date, as CDO R5-2014-0146 allows the District until August 1, 2016 to complete its local limits study. Due to the lack of technically based local limits at the time of the inspection, the District is required to continue the process of developing technically based local limits and

- ensure that the limits are enforced and continually developed as necessary in accordance with the regulations at 40 CFR 403.5(c). (Section 4, *Local Limits*)
4. As a component of the 2015 inspection, the SIU and other permits were reviewed. The 2015 permits had been re-issued on January 1, 2015 and were set to expire on December 31, 2015. The District Manager had not signed or dated the permits that were provided to the Inspection Team. It was unclear if the permits issued and provided to the industrial users had been signed and dated. In order to ensure that the permits are in effect and are issued before they become effective, the District is required to implement the appropriate changes to ensure and document that permits are issued before their effective date. (Section 6.2, *Permit Effective Date*)
 5. As a component of the 2015 inspection, the Kinder Morgan permit was reviewed, and the permit did not include a sampling location. The 2015 Kinder Morgan permit and other SIU permits reviewed as a component of the inspection referred to “measurement location 001.” However, this measurement location was not described or explained in detail in the permits reviewed. Therefore, the District is required to include the sampling locations in the control mechanisms as required by 40 CFR 403.8(f)(1)(iii)(B)(4). (Section 6.3, *Sampling Location*)
 6. It was unclear to the Inspection Team why the limits for the various parameters included in the 2004 SUO, 2014 SIU permits, and 2015 SIU permits were inconsistent. In addition, it was unclear to the Inspection Team if these modified limits had a technical basis. It was also unclear why the parameters in the bold-face type were listed in the 2015 permits without associated limits. Finally, it was unclear how the District had developed limits for the parameters in the italicized font. Although these limits were provided in the 2015 nonresidential permits, no technical basis for their development was provided to the Inspection Team. The District is required to amend the permits to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3). The District is reminded that local limits must be technically based and adopted by the District before they can be applied to the industrial users. The District is also reminded that in the event that local limits are relaxed or removed, the District must receive approval from the Central Valley Regional Water Board prior to adopting and implementing the relaxed or removed limits. (Section 6.5, *Effluent Limits*)
 7. The 2015 Kinder Morgan permit stated that the sampling frequency was “per slug discharge.” The Inspection Team discussed the definition of “slug discharge” with the District representatives and noted that the District representatives were confusing the term “batch discharge” with “slug discharge” and that the intent of the sampling frequency in the permit was for “batch discharges.” The District and Inspection Team had in-depth conversations about the meaning and applicability of each term. The District is required to include the correct sampling type for flow and the appropriate sampling frequency for each parameter in the SIU permits in

- accordance with the regulations at 40 CFR 403.8(f)(1)(iii)(B)(4). (Section 6.5.1, *Sampling Type and Frequency*)
8. Section 2(c) of the 2015 Kinder Morgan permit states that the local limits are to be applied as monthly average limits. The 2004 SUO does not state how the local limits are to be applied. Therefore, the technical basis for applying the local limits as monthly averages was unclear to the Inspection Team. The District is required to ensure that the local limits are technically based and that the method in which they are applied is also technically derived. The District is required to include the method in which the local limits are to be applied in the SIU permits so that the industrial users are aware of applicable effluent limitations in accordance with the regulations at 40 CFR 403.8(f)(1)(iii)(B)(3). (Section 6.5.2, *Application of Local Limits*)
 9. As a component of the 2015 inspection, the Inspection Team reviewed the 2014 Rio Bravo Fresno and 2015 Kinder Morgan permits to determine if they had been modified to include the notification and prohibition of a bypass in accordance with the requirements of the 2014 audit. The term “bypass” was defined in the 2014 and 2015 permits and the prohibition regarding bypass was included in the 2014 Rio Bravo Farms permit. However, the 2015 Kinder Morgan permit includes the definition of bypass but does not specifically prohibit an industrial user from bypassing its pretreatment system. Therefore, the District is required to include the prohibition of bypass in the industrial user permits according to 40 CFR 403.17(a–c) of the federal regulations. (Section 6.6., *Reporting and Notification Requirements*)
 10. The District included a statement in the 2015 Kinder Morgan permit requiring that the facility submit a toxic organic management plan (TOMP) or, if the facility did not submit a TOMP, it could be required to sample for the 126 priority pollutants listed in Appendix A of 40 CFR 423. The regulations at 40 CFR 423 are for the regulation of discharges from categorical operations regarding steam electric power generation, which is not applicable to the Kinder Morgan facility because the facility is a truck wash and did not conduct or generate wastewater from categorical operations. Therefore, the District is required to notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status in accordance with 40 CFR 403.8(f)(2)(iii). (Section 7, *Application of Pretreatment Standards and Requirements*)
 11. The District’s General Manager stated that the District conducts compliance sampling at the SIUs at least once per year. However, according to information provided in the District’s *2014 Annual Pretreatment Report*, the District did not sample Stratas Foods, RockTenn, Rio Bravo, PPG Industries, Air Products and Chemicals, or Kinder Morgan. The Inspection Team requested documentation for sampling events from the District representatives. The District representatives provided access to the electronic copies of sampling data from the SIUs collected in 2014 and the beginning of 2015. The sampling data on file included self-monitoring results from the SIUs but did not include documentation of compliance samples collected at the SIUs by the District. Therefore, the District is

- required to ensure that it collects and analyzes samples at each of the SIUs at least annually in accordance with the federal regulations at 40 CFR 403.8(f)(2)(v). The District should also maintain documentation of compliance sampling events it conducts. (Section 8.1, *Compliance Sampling*)
12. The Kinder Morgan inspection report contained more detail than the other SIU inspection reports and the District representative conducting the inspection recorded information for most of the sections of the District's inspection checklist. However, the inspection report was not dated or signed, therefore it was unclear to the Inspection Team who conducted the facility inspection and when it was conducted. An undated and unsigned inspection report for the Speedy Truck Wash facility was also reviewed. The information recorded on the Speedy Truck Wash facility inspection checklist was incomplete and lacked detail regarding wastewater generating processes, facility operations, discharge practices, sampling locations, chemical storage, and overall treatment of wastewater. Since the inspection reports were not dated, the Inspection Team could not confirm that all SIUs had been inspected at least once in 2014. Therefore, the District is required to inspect each SIU at least once a year as stated at 40 CFR 403.8(f)(2)(v). (Section 8.2, *Compliance Inspections*)
13. According to the regulations at 40 CFR 403.12(b)(5)(ii), the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations. Due to the uncertainties observed with the PPG Industries' wastewater probe locations and probe readings, it did not appear that the facility was collecting samples that were representative of the facility's daily operations. The District is required to further evaluate the operating conditions of the effluent quality probes to ensure that representative wastewater samples are being collected in accordance with the regulations at 40 CFR 403.12(b)(5)(ii). The District is reminded that the sampling location must be representative of the process wastewater generated at the facility. The sampling point should be located upstream of the discharge location and prior to the introduction of domestic wastewater in order to obtain a representative sample that is not diluted by other unregulated waste streams. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
14. According to the federal regulations at 40 CFR 403.12(b)(5)(ii), samples are to be representative of daily operations. Additionally, the federal regulations at 40 CFR 403.12(b)(5)(iv) state that samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the District collects samples from the manhole in the street, the process water may be diluted by domestic wastewater or various other waste streams discharged upstream of the manhole. Therefore, the District is required to ensure that it identifies a sampling location that is both representative of each facility's daily process operations and is located downstream of the facility's oil and water separator, but prior to where mixing with other waste streams would occur in accordance with the federal regulations at 40 CFR 403.12(b)(5)(ii) and (iv). Further, the District should ensure that the District and

- facility are collecting samples for compliance purposes from the same location. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
15. The pH and electrical conductivity probes were housed in PVC piping at the Speedy Truck Wash. The actual condition and operational positioning of the probes could not be verified without disassembling the effluent piping. The operational positioning of the probes is critical concerning some of the recorded measurements contained in the facility's discharge log. It was unclear to the Inspection Team if wastewater was actually being discharged to the POTW at the time the pH measurements were recorded. According to the regulations at 40 CFR 403.12(b)(5)(ii), the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations. Due to the condition and placement of the probes observed onsite, and the uncertainty of the representativeness of the wastewater quality according to the probe readings, the District is required to ensure that permittee's compliance monitoring is representative of the daily wastewater generating and discharge operations at the facility in accordance with the regulations at 40 CFR 403.12(b)(5)(ii). (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
 16. Based on the discussions with the Speedy Truck Wash facility representatives, compliance samples gathered by the District are collected from the manhole on South Front Avenue and not at the newly installed sampling box within the facility's fence line. The wastewater samples collected from the manhole within the street may be diluted with wastewater generated and discharged from other facilities, and thus would not be representative of wastewater generated and discharged from the facility. The District is required to ensure that District compliance monitoring is representative of the wastewater generated at the facility in accordance with the regulations at 40 CFR 403.12(b)(5)(ii). In addition, it is strongly recommended that the facility's sampling box be evaluated for its ability's to provide a representative sample without special sampling techniques (i.e. damming of wastewater flows in sampling box). (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
 17. The pH and electrical conductivity digital display was reporting effluent quality values at the time of the inspection at Speedy Truck Wash. According to Part 1.8 of the facility's permit, "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 User at the User's own cost and expense." Due to the large variation of the pH and electrical conductivity measurements recorded in the facility's log sheet, it was unclear if the facility was properly maintaining its wastewater sampling equipment to obtain accurate readings. Due to the facility's lack of maintenance records for the Water Maze system, and lack of flow to the Water Maze system, the District is required to ensure that the permittee properly maintains its pretreatment system in

- accordance with Part 1. 8 of the facility's permit. It is also recommended that the facility keep detailed records regarding maintenance activities conducted at the facility. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
18. The self-monitoring reports submitted to the District by Air Products dated January 12, 2015 included a discharge monitoring report form with sampling results for the parameters that were required to be sampled and submitted by the facility. However, analytical data and chain-of-custody forms were not included with the self-monitoring report submitted by the industry. According to 40 CFR 403.8(f)(2)(iv), the District is required to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the 40 CFR 403.12. According to 40 CFR 403.12(g)(3), sampling must be conducted using the protocols specified in 40 CFR 136. Since the analytical data and chain-of-custody forms were not provided with the self-monitoring report submitted by Air Products, the Inspection Team could not confirm that the samples were collected and analyzed in accordance with the regulations at 40 CFR 136. The District is required to receive and analyze self-monitoring reports and other notices submitted by Industrial users in accordance with the 40 CFR 403.12 as stated at 40 CFR 403.8(f)(2)(iv). (Section 8.4, *Requesting, Receiving, and Analyzing Reports*)
 19. According to the information provided in the District's files, the Air Products facility did not submit flow monitoring data for January, February, or March 2014. The Air Products facility did not submit the monthly self-monitoring data for BOD, TSS, pH, and EC for the first two months of 2015 as required per the facility's permit. The RockTenn facility did not collect and analyze samples for lead, mercury, nickel, selenium, or silver during 2014 as required by its permit. The 2014 Stratas Foods permit does not state how the local limits were to be applied. Therefore, several potential effluent violations were identified during the 2015 inspection. Due to the aforementioned deficiencies, the District is required to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the 40 CFR 403.12 as stated at 40 CFR 403.8(f)(2)(iv). (Section 8.4, *Requesting, Receiving, and Analyzing Reports*)
 20. The Inspection Team thoroughly discussed the difference between a "slug discharge" and a "batch discharge" with the District representatives. The Inspection Team also expressed the importance of preventing the discharge of slugs to the POTW. The inspection reports reviewed did not include a section for evaluating the potential for a slug discharge to occur or documentation that the District had evaluated the facility's need to develop and implement a slug discharge control plan. The District was unable to provide other documentation indicating that the SIUs had been evaluated for the need to develop and implement a slug discharge control plan. Therefore, the District is required to evaluate whether each SIU needs a plan or other action to control slug discharges in accordance with 40 CFR 403.8(f)(2)(vi). (Section 8.5, *Slug Discharge Control Plans*)

21. The enforcement actions taken by the District in regard to the violations from the Fifth Wheel facility indicate the District considered these discharge exceedances to be “significant noncompliance.” Since the District’s General Manager did not officially issue an administrative citation, compliance order, or order-to-show-cause hearing to the facility for its permit violations, the District is not properly implementing its ERP. The Inspection Team noted that the District’s General Manager had specific reasons for deviating from the instructions of the ERP and used discretion in determining which enforcement actions should be taken in response to the instance of noncompliance. However, the District did not follow the ERP. Therefore, the District is required to develop and implement its enforcement response plan in accordance with the federal regulations at 40 CFR 403.8(f)(5). (Section 9, *Enforcement*)

10.2 Recommendations

1. The District representatives stated that the District does not accept hauled waste at the WWTF, nor has it been approached to accept hauled waste. However, the District representatives stated that the recreational vehicle (RV) sales facilities discharge waste to the WWTF and the sales facilities allow RVs to discharge to the WWTF via the facilities’ sewer connections. The District representatives stated that the RV sales facilities are not permitted. It is recommended that the District evaluate the characteristics and volumes of the waste discharged from the RV sales facilities to the POTW, and evaluate the need to permit these facilities in order to protect the POTW. (Section 2.1, *Size of Program*)
2. The District’s General Manager mentioned that chromium appears in the influent data at the WWTF and in the biosolids as well. The District does not know the source of the chromium nor has it been able to attribute the chromium to discharges from industrial users. A large number of facilities in the District’s service area have processes involving cooling towers (chromium may have once been discharged from the cooling towers); consequently, the District’s sewer system may have collected legacy solids containing chromium. It is strongly recommended that the District conduct a thorough evaluation to identify the source of chromium in the collection system. Specifically, the District should evaluate a procedure to determine if the source of the chromium discharges is related to nondomestic dischargers. (Section 5, *Nondomestic Discharger Characterization*)
3. During the 2015 inspection, the District representatives stated they had discovered a small process operation that discharged wastewater at a Georgia Pacific facility within the District’s service area. The District planned to issue a permit to regulate discharges from the operation, but it was unsure what classification of permit to assign to the facility. It is recommended that the District continue its investigation of the businesses’ operations and ultimately issue permits to the facilities in its service area that may contribute discharges with the potential to negatively impact the POTW. The District is reminded that according to 40 CFR

- 403.8(f)(1)(iii) the District must "control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements." (Section 5, *Nondomestic Discharger Characterization*)
4. As a component of the 2015 inspection, the SIU and other non-residential permits were reviewed. The permits reviewed included issuance and expiration dates. The District had re-issued the 2015 SIU and other permits on January 1, 2015, and the permits were set to expire on December 31, 2015. The District Manager had not signed or dated the permits that were provided to the Inspection Team. It was unclear if the permits issued and provided to the industrial users had been signed and dated. In order to ensure that the permits are in effect, it is strongly recommended that the District Manager ensure that permits are signed and dated. It is also recommended that the District keep a hardcopy of the permit that was issued to the nondomestic dischargers to ensure that the permits were signed and dated by the appropriate District representative. (Section 6.1, *Reissuance of SIU Permits*)
 5. It is strongly recommended that the District thoroughly document the SIU inspections and include more detail in the inspection reports. Specifically, the inspection reports should capture the uniqueness of each inspection and include information related to the processes reviewed, discussions held, change in process, and other information pertaining to wastewater generation, treatment, and discharge. (Section 8.2, *Compliance Inspections*)
 6. It is strongly recommended that the District follow up with the Fifth Wheel Truck Stop facility to obtain records related to the maintenance activities for the oil/water separators to ensure that the separators are being properly maintained to treat wastewater generated at the facility. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
 7. During the Fifth Wheel Truck Stop facility inspection, the Inspection Team observed a facility employee pouring what appeared to be undiluted detergent onto a truck. The detergent was flowing into the drains and then into the oil/water separator at the facility. It is strongly recommended that the District encourage the facility to develop and implement standard operating procedures (SOPs) to ensure that high concentrations of detergents are not discharged to the POTW in order to minimize the potential for an upset to occur at the District's WWTF. These SOPs should be developed to ensure the facility uses consistent methods to apply detergent during the truck washing operations, thereby providing consistency in the nature and characteristic of the wastewater generated and discharged from the facility. It is also recommended that the facility develop and implement SOPs for maintaining its oil/water separators. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
 8. During the Fifth Wheel Truck Stop site visit, the Inspection Team observed a facility employee washing under the hood of one of the tractor trailer trucks. Although the wash waters generated at the facility are treated by an oil/water

- separator prior to being discharged to the POTW, it is recommended that the District evaluate this practice and how it may impact the quality of the wastewater discharged to the POTW. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
9. The Kinder Morgan facility representatives were asked for an operational sketch of the facility wastewater process. The facility representatives provided a sketch to the Inspection Team. Three modifications were made to the sketch based on conversations during the inspection. These modifications included: 1) a rock trap had been implemented prior to the oil/water separator; 2) waste oil collected in the oil water separator was hauled offsite to a refinery for processing; and 3) the pretreatment system has the ability to recycle effluent back to the holding tanks for retreatment prior to discharge. It is strongly recommended that the District request the facility to formally update its process area schematic and obtain a current version of the schematic to keep on file. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
 10. During discussions with District representatives during the inspection at the Kinder Morgan facility, it was mentioned that the District had experienced a number of issues with high EC loading discharged from the facility to the POTW in the past. In response to the high EC loading issues from the facility, it is strongly recommended that the District formally conduct an in-depth evaluation of the sources of the EC loading. It is further recommended that the District thoroughly document these findings in an investigation report. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
 11. As previously mentioned, the District representatives confused the terms “slug discharge” and “batch discharge.” Specifically, the District had required the Kinder Morgan facility to develop and implement a “slug discharge plan.” However, upon further review of the document, the Inspection Team identified that the District was describing batch discharge practices instead of slug discharge prevention. Therefore, it is strongly recommended that the facility’s discharge practices be described as a “batch” discharge instead of as a “slug” discharge. It is further recommended that the facility keep a batch discharge log to document the date, time, and volume of batch discharges from the facility to the POTW. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)
 12. The PPG Industries facility experienced a power outage in which the facility lost its primary power feed from the grid. The facility employees attempted to use the facility’s onsite generator as a secondary power source, which failed to operate. It is strongly recommended that the facility’s corrective actions associated with the failure of the secondary power source be reviewed with the facility representatives to ensure that the facility’s emergency assets are being properly maintained. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)

13. The process area of the PPG Industries facility was not inspected as a component of the site visit. However, in the event of an emergency, the District should review the facility's process area clean up procedures with the facility representatives to understand how the facility may clean up after an emergency. Specifically, how the facility may clean up the process area after the molten glass has been diverted to the Frit Pit. Therefore, it is strongly recommended that the District formally request a copy of the facility's SOPs for general cleanup and spill response to identify the possibility of slug discharges to be generated and discharged from the facility to the POTW after an emergency event or power failure. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)

14. The Speedy Truck Wash facility had not developed or implemented written SOPs for its process operations. Without written SOPs for the mixing and use of concentrated cleansers, the actual concentration and quality of wash solutions used in the facility may vary on a regular basis. Depending on the concentration/quality of the wash solutions slug or slug-like discharges may be discharged to the POTW. It is strongly recommended that the District require the facility to develop SOPs for the use, storage, and mixing of concentrated cleansers at the facility. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)

15. It is also strongly recommended that the District evaluate the potential for slug discharges to be generated and discharged from the Speedy Truck Wash facility. Specifically, the District should evaluate possible spills of concentrated cleanser used to remove oils and greases and spill or leaks from 55-gallon drums of cleansers. During the inspection process, the District representative was confusing the term "slug discharge" with "batch discharge." The District shall, in very precise language, discuss "slug" discharge concerns with the facility representative as stated in 40 CFR 403.8(f)(2)(vi) and ultimately determine the need for the facility to develop and implement a slug discharge control plan. (Section 8.3, *Nondomestic Discharger Site Inspections Conducted during the Inspection*)

16. The District is reminded that the federal regulations have a federal definition for the term "significant noncompliance" stated at 40 CFR 403.8(f)(2)(viii)(A-H). The District's December 2014 SUO includes the federal definition for the term. It is strongly recommended that the District change its "significant noncompliance" violations terminology in its 2014 ERP in order not to confuse the meaning of the federal definition of "significant noncompliance" with a different meaning for the same term in the 2014 ERP. (Section 9, *Enforcement*)

ICIS WENDB DATA ENTRY WORKSHEET			
PRETREATMENT COMPLIANCE INSPECTIONS/AUDITS			
▶ TYPE OF COMPLIANCE MONITORING: Pretreatment Compliance Inspection			
▶ NAME OF PRETREATMENT PROGRAM: Malaga County Water District			
▶ CONTROLLING AUTHORITY NPDES ID: Waste Discharge Requirements Order No. R5-2008-0033 NPDES No. CA0084239			
START DATE OF INSPECTION3/25/2015		▶ END DATE OF INSPECTION 3/26/2015	
LEAD INSPECTOR (Name, Company, Phone, E-mail [if available]): Danny O'Connell; PG Environmental; 303-279-1778			
ACCOMPANYING INSPECTOR(s) (Name, Company, Phone, E-mail [if available]): Kettie Holland; PG Environmental; 303-279-1778			
SIGNIFICANT INDUSTRIAL USERS (SIUs)	PCI CHECKLIST REFERENCE	PCA CHECKLIST REFERENCE	DATA
▶ SIUs* :	II.B.2.a	I.C.4.a	10
▶ SIUs Without Control Mechanism:	II.C.1.c	I.D.1 and II.A	0
▶ SIUs Not Inspected:	II.E.2.c	I.F.2.c	***
▶ SIUs Not Sampled:	II.E.2.b	I.F.2.b	10
▶ SIUs in SNC with Pretreatment Standards** :	II.F.3.a	I.F.3.a	0
▶ SIUs in SNC with Reporting Requirements:	II.F.3.a	I.F.3.a	0
SIUs in SNC with Pretreatment Schedule:		I.F.3.a	0
SIUs in SNC Published in Newspaper:		I.G.4; II.D.7	0
Criminal Suits Filed Against SIUs:	II.F.1		0
CATEGORICAL INDUSTRIAL USERS (CIUs)			
▶ CIUs:		I.C.4.a	0
OTHER INFORMATION			
Pass-Through/Interference Indicator	<i>(none, Yes, or No)</i>	I.G.6	Yes
DEFICIENCIES			
Control Mechanism Deficiencies	<i>(No or Yes)</i>	I.D.1;II.A.4	Yes
Inadequacy of Sampling and Inspections	<i>(No or Yes)</i>	II.C and Site Visit Sheets	Yes
Adequacy of Pretreatment Resources	<i>(Yes or No)</i>	I.I	Yes
FOOTNOTES: ▶ denotes required information * The number of SIUs entered into PCS is based on the CA's definition of "Significant Industrial User." ** AS DEFINED IN EPA's 1986 Pretreatment Compliance Monitoring and Enforcement Guidance. *** The 2014 Annual Pretreatment Report states that each SIU was inspected at least twice. However, the District did not have proper documentation to confirm annual inspection activities for each SIU.			
DATA ENTRY WORKSHEET COMPLETED BY: Kettie Holland		DATE: 06/08/2015	
TITLE: Environmental Scientist		TELEPHONE NO.: 303-279-1778	

Attachment A

Nondomestic Discharger

Site Visit Data Sheets

Fifth Wheel Truck Stop

Site Visit Data Sheet

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.						
Name of Industry: Fifth Wheel Truck Stop						
Address of Industry: 3767 South Golden State Blvd.; Fresno, CA 93725						
Date of visit: 3/26/2014			Time of visit: 11:40 a.m.			
Name of inspector(s): Thomas Siphongsay, Environmental Compliance Inspector, Malaga County Water District (District) Kettie Holland, EPA Contractor, PG Environmental, LLC						
Provide the name(s) and title(s) of industry representative(s)						
Name		Title		Phone/Email		
None. See note 1 in the Notes section for additional details.		Not applicable (N/A).		N/A.		
IU Permit Number: 1160		Exp Date: 12/31/2015		IU Classification: Significant industrial user (classified by the District as a Class 1 SIU)		
Inspection		Scheduled		X		Unscheduled
Type/Purpose		X		PCI		New Company
						PCA
						Complaint
Please provide the following documentation:						
1. Nature of operation: The facility is a truck wash for large semi-trailer vehicles. Tanker trucks were not observed at the facility at the time of the inspection. The District has taken various enforcement actions against the facility for discharging high concentrations of detergents, which caused foaming at the WWTF, ultimately resulting in an upset of the operations at the WWTF. The District classified the facility as an SIU because of its reasonable potential for adversely affecting the POTW's operations. Refer to note 1 in the Notes section for additional detail.						
2. Number of employees		Not reviewed (N/R).		Number of shifts:		N/R.
						Hours of operation:
						N/R.
3. Water source: Malaga County Water District						
4. Wastestream flow(s) discharged to the POTW: The facility discharged wastewater, which was pretreated by an oil/water separator, from its truck washing operations to the District's POTW. A storm water issue was observed during the facility site inspection. Refer to note 2 in the Notes section for additional information.						
Sanitary:		N/R.		Process:		N/R.
				Combined:		N/R.
5. Describe any significant changes in process or flow: No significant changes in process or flow were observed during the inspection. However, concerns with the facility's process operations were identified during the inspection. Refer to note 3 in the Notes section for additional information.						
6. Type of pretreatment system (Describe): The facility has two in-ground oil/water separators that treat the truck wash waters before they are discharged to the District's POTW. Refer to note 1 of the Notes section for information related to the facility's maintenance procedures and frequency for the oil/water separators.						
NOTE: The pretreatment system is reported as it was observed during this inspection.						
Continuous flow				Batch		X
						Combined

7. Condition/operation of pretreatment system (Describe): The oil/water separators were not observed during the inspection due to active wash processes taking place at the facility. Refer to note 1 in the Notes section for information related to the types and frequency of maintenance activities that were performed on the separators.			
Any unusual conditions or problems with the pretreatment system: N/R.			
8. Process area description (identify raw materials and processes used): The facility consisted of a building with three wash bays. One of the wash bays was used for maintenance operations. Two of the wash bays were used for truck washing and were in use at the time of the inspection. The facility also had an office space in a small shed.			
9. Condition/operation of process area (Describe): The process area was in active operation and was wet at the time of the inspection. During the inspection, concerns were identified with the facility's process operations and a storm water issue was observed. Refer to the Notes section for additional information.			
Any unusual conditions or problems with the process area: A storm water issue was observed at the time of the inspection. Refer to note 2 in the Notes section for additional information.			
10. General housekeeping in process area (Describe): The wash area was crowded due to the active washing processes. Truck wash water was observed flowing from the wash bays into a nearby storm drain. The ground directly outside of the wash area was wet and muddy. Refer to note 2 in the Notes section for additional information.			
Any unusual conditions or problems with general housekeeping in process area: Yes. The housekeeping in the process area was poor. An illicit discharge to a storm drain was observed during the inspection. Refer to note 2 in the Notes section for additional information.			
11. Chemical storage area (identify the chemicals that are maintained on-site and how they are stored): The facility did not have a centralized chemical storage area onsite; however, multiple 55-gallon drums of detergent were observed stored outside without secondary containment (refer to Photograph 1 of the attached Photograph Log).			
Any floor drains?	A storm drain was located near where the detergent was stored.	Any spill control measures?	No.
General housekeeping of chemical storage area (Describe): The facility did not have a centralized chemical storage area. However, multiple 55-gallon drums of detergent were observed stored without secondary containment; they were behind the wash bays, in the vicinity of a storm drain. The drums were stored in an area that sloped in the direction of the storm drain. Plastic debris was also observed in the area.			
12. Are hazardous wastes drummed and labeled? N/R.			
13. Does the IU have hazardous waste manifests? N/R.			
Any problems associated with hazardous waste: No problems associated with hazardous waste were observed at the time of the inspection.			
14. Solid waste production: The facility representative stated that the oil/water separators were cleaned out by facility employees.			
Solid waste disposal method(s): Contradictory information was provided to the Inspection Team regarding solid waste disposal methods. See note 1 in the Notes section for additional information.			
15. Description of sample location: The District's Environmental Compliance Inspector stated that the District collected compliance samples from a manhole outside of the facility, downstream of the oil/water separators.			
Sampling method/technique: N/R.			
16. Evaluation of self-monitoring data?		Yes	<input checked="" type="checkbox"/> No
			N/A

If yes, was self-monitoring adequate: This component was not reviewed at the time of the inspection.

17. Who performs the self-monitoring analysis? This component was not reviewed as part of the site inspection.

Notes:

1. The Inspection Team arrived at the facility and attempted to find and inform a facility representative of the purpose of the site inspection. The Inspection Team located a representative who spoke little English, identified themselves, and explained the purpose of the inspection. During the conversation, another individual became involved and translated for the representative. The Inspection Team asked about the treatment of the wastewater generated at the facility and the maintenance activities for the oil/water separator. The individual who was translating stated that facility employees clean out the oil/water separators. The Inspection Team asked what the facility employees do with the waste they remove from the oil/water separators. The individual who was translating stated that the solids and debris are loaded into a truck and hauled offsite. The Inspection Team asked if the facility had manifests, receipts, or invoices for these hauling activities. The individual stated that he thought so. The individual was in a hurry and left the facility.

The Inspection Team attempted to ask other workers at the facility about documentation for maintenance activities. The Inspection Team was introduced to another person, who spoke some English. This person stated that facility employees clean out the oil/water separators multiple times per week. The Inspection Team asked what the facility does with the waste and oils removed from the oil/water separators. The person stated that facility employees place the contents from the oil/water separator into the dumpster. It is strongly recommended that the District follow up with the facility to obtain records related to the maintenance activities for the oil/water separators to ensure that the separators are being properly maintained to treat wastewater generated at the facility.

2. During the inspection of the facility's process area, the Inspection Team observed truck wash water actively flowing from the wash bays to a nearby storm drain. The wash water contained detergent from the truck washing process. Refer to Photographs 2 through 4 of the attached Photograph Log for additional information.
3. During the interview portion of the 2015 inspection, the District representative explained that the District had identified the Fifth Wheel facility as an industrial user causing an upset at the WWTF. Specifically, the District noticed abnormal foaming at the pumps of the WWTF's headworks. The District inspected a number of manholes and was able to identify that a concentrated foaming agent was being discharged from the Fifth Wheel facility to the POTW; this discharge was causing an upset at the WWTF. The District representative stated the District had taken enforcement actions against the facility. He explained that the District sent letters to the truck washes within its service area; the letters directed the facilities not to discharge highly concentrated detergents to the POTW.

During the facility inspection, the Inspection Team observed a facility employee pouring what appeared to be undiluted detergent onto a truck. The detergent was flowing into the drains and then into the oil/water separator at the facility. It is strongly recommended that the District encourage the facility to develop and implement standard operating procedures (SOPs) to ensure that high concentrations of detergents are not discharged to the POTW in order to minimize an upset from occurring at the District's WWTF. These SOPs should be developed to ensure the facility uses consistent methods to apply detergent during the truck washing operations, thereby providing consistency in the nature and characteristic of the wastewater generated and discharged from the facility. It is also recommended that

the facility develop and implement standard operating procedures (SOPs) for maintaining its oil/water separators.

During the site visit, the Inspection Team also observed a facility employee washing under the hood of one of the tractor trailer trucks (refer to Photograph 5 of the attached Photograph Log). Although the wash waters generated at the facility are treated by an oil/water separator prior to being discharged to the POTW, it is recommended that the District evaluate this practice for how it may impact the quality of the wastewater discharged to the POTW.

Fifth Wheel Truck Stop

Photograph Log



Photograph 1. View of the detergent storage at the west-central area of the facility. Note the lack of secondary containment and the staining on the concrete, indicating past spills.



Photograph 2. View, facing east, of wash water from the facility's truck washing process flowing to a nearby storm drain (not pictured).



Photograph 3. View, facing northeast, of the wash water from the facility's truck wash bay collecting and flowing toward a nearby storm drain (not shown).



Photograph 4. View, facing northeast, of the process wash water from the facility's wash bay actively discharging to a nearby storm drain inlet.



Photograph 5. View, facing north, of a truck in the facility's wash bay. An employee (not visible) is washing under the hood of the truck.

Kinder Morgan SFPP, L.P.

Site Visit Data Sheet

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.						
Name of Industry: Kinder Morgan SFPP, L.P.						
Address of Industry: 4149 S. Maple; Fresno, CA 93725						
Date of visit: 3/25/2015			Time of visit: 2:40 p.m.			
Name of inspector(s): Jim Anderson, Malaga County Water District (District) Warren Gross, Central Valley Regional Water Quality Control Board Danny O'Connell, EPA Contractor, PG Environmental, LLC						
Provide the name(s) and title(s) of industry representative(s)						
Name		Title		Phone/Email		
Mike McWhorter		Manager		559-493-2975		
IU Permit Number: 1025		Exp Date: 12/31/2015		IU Classification: Significant industrial user (classified by the District as a Class 1 SIU)		
Inspection Type/Purpose	<input type="checkbox"/>	Scheduled	<input checked="" type="checkbox"/>	Unscheduled	<input type="checkbox"/>	PCA
	<input checked="" type="checkbox"/>	PCI	<input type="checkbox"/>	New Company	<input type="checkbox"/>	Complaint
Please provide the following documentation:						
1. Nature of operation: The facility is a fuel distribution facility. The facility's operations include the storage, distribution, and modification of various types of fuels. The fuels are modified by the injection of various additives. The District had permitted the facility as a Class 1 SIU due to the potential of the discharges from the facility to negatively impact the POTW. See note 1 in the Notes section for additional information.						
2. Number of employees	13	Number of shifts:	See note 2 in the Notes section for additional details.	Hours of operation:	24 hours per day; 7 days per week.	
3. Water source: Malaga County Water District						
4. Wastestream flow(s) discharged to the POTW: The facility discharges pretreated rain and wash waters, as well as minor spills from the facility's process areas to the POTW.						
Sanitary:	Not reviewed (N/R).	Process:	N/R.	Combined:	Not applicable (N/A).	
5. Describe any significant changes in process or flow: No significant changes to the process or wastewater flow were identified or reported during the inspection.						
6. Type of pretreatment system (Describe): The facility's pretreatment system is comprised of a rock trap, an oil water separator, two 10,000-gallon holding tanks, two 25-micron sock filters, and two 2,000-gallon liquid granular activated carbon (GAC) filters, arranged in series.						
	Continuous flow	<input checked="" type="checkbox"/>	Batch	<input type="checkbox"/>	Combined	
7. Condition/operation of pretreatment system (Describe): The facility's pretreatment system was not operating at the time of the inspection. The various process tanks and filters that comprised the pretreatment system were sealed based on the design of the units. Therefore, the Inspection Team was unable to visually inspect the internal conditions of each unit. No rust or structural issues were observed						

at the exterior of the units.			
Any unusual conditions or problems with the pretreatment system: No unusual conditions or problems were observed with the pretreatment system during the site inspection.			
8. Process area description (identify raw materials and processes used): The facility stored and transferred fuel products to tanker trailers. Additives were injected to various fuels as the fuel was transferred into the tanker trailers. The facility's process operations and tank farm areas were not inspected as a component of the inspection.			
9. Condition/operation of process area (Describe): A cursory review of the equipment, tanks, and pipes between the facility offices and pretreatment system appeared to be properly maintained (no rust or visual structural problems were observed).			
Any unusual conditions or problems with the process area: No unusual conditions or problems with the process area were observed during the inspection.			
10. General housekeeping in process area (Describe): The process areas were relatively clean and dry at the time of the inspection.			
Any unusual conditions or problems with general housekeeping in process area: No unusual conditions or problems with the general housekeeping in the process area were observed during the inspection.			
11. Chemical storage area (identify the chemicals that are maintained on-site and how they are stored): The facility's chemical storage area was not inspected as a component of the site visit.			
Any floor drains?	N/R.	Any spill control measures?	N/R.
General housekeeping of chemical storage area (Describe): N/R.			
12. Are hazardous wastes drummed and labeled? N/R.			
13. Does the IU have hazardous waste manifests? N/R.			
Any problems associated with hazardous waste: No problems associated with hazardous waste were observed as the Inspection Team walked through the facility to the pretreatment system.			
14. Solid waste production: Due to time constraints, this component was not reviewed during the site visit.			
Solid waste disposal method(s): N/R.			
15. Description of sample location: Samples were collected from the sewer manhole downstream of the liquid GAC filters.			
Sampling method/technique: Specific sampling methods were not discussed as a component of the inspection.			
16. Evaluation of self-monitoring data?	<input type="checkbox"/>	Yes	<input type="checkbox"/>
	<input type="checkbox"/>	No	<input checked="" type="checkbox"/> N/A
If yes, was self-monitoring adequate: N/A.			
17. Who performs the self-monitoring analysis? N/A.			
Notes:			
1. This inspection was conducted late in the day and specifically pertained to the evaluation of potential general operational issues.			
2. The facility operates 24 hours per day. Employee shifts vary based on specific responsibilities; the facility has 12 hour shifts as well as 8 hour shifts.			
3. The facility representatives were asked for an operational sketch of the facility wastewater process. The facility representatives provided a sketch to the Inspection Team (refer to Attachment 1). Three			

modifications were made to the sketch based on conversations during the inspection. These modifications included: 1) a rock trap had been implemented prior to the oil/water separator; 2) waste oil collected in the oil water separator was hauled offsite to a refinery for processing; and 3) the pretreatment system has the ability to recycle effluent back to the holding tanks for retreatment prior to discharge. It is strongly recommended that the District request the facility to modify its process area schematic and obtain a current version of the schematic to keep on file.

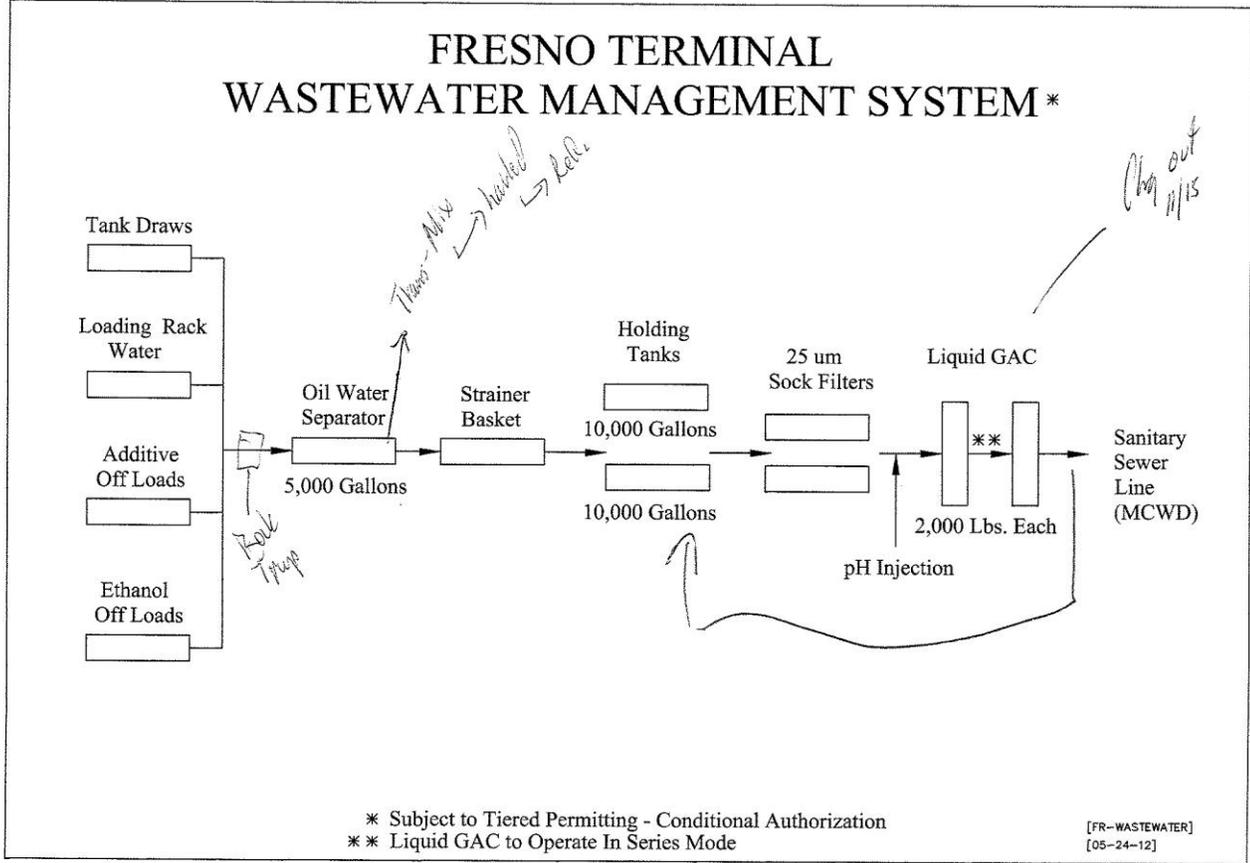
4. The facility had eight loading lanes and two additive off-loading lanes.
5. A majority of the discussions during this inspection focused on the facility's activities associated with identifying the sources of high EC in the facility's wastewaters discharged to the District. Facility representatives stated that a product sampling program had been implemented to document EC concentrations of products onsite and to further evaluate possible EC sources in the facility's wastewater.
6. During discussions with District representatives during the inspection process, it was mentioned that the District had experienced a number of issues with high EC loading discharged from the facility to the POTW in the past. As a result, the District issued the facility a Class 1 IU permit. In response to the high EC loading issues from the facility, it is strongly recommended that the District formally conduct an in-depth evaluation of the sources of the EC loading. As a component of the evaluation, the District shall inspect the operations associated with fuel transfer and cleanup operations. The District should also review the facility's standard operating procedures (SOPs) for fuel loading/offloading, fuel additive injection, general cleanup, spill response, and pretreatment system operation. It is further recommended that the District thoroughly document these findings in an investigation report.
7. As previously mentioned, the District representatives had confused the terms "slug discharge" and "batch discharge." Specifically, the District had required the facility to develop and implement a "slug discharge plan." However, upon further review of the document, the Inspection Team identified that the District was describing batch discharge practices instead of slug discharge prevention. Therefore, it is strongly recommended that the facility's discharge practices be described as a "batch" discharge instead of as a "slug" discharge. It is further recommended that the facility keep a batch discharge log to document the date, time, and volume of batch discharges from the facility to the POTW.

Kinder Morgan SFPP, L.P.

Attachment 1

Wastewater Treatment System Diagram

DOC 3/25/15
K-Morgan



***Note: The hand-written changes to the diagram were completed by the EPA Contractor in order to reflect the processes observed onsite during the inspection. The rock trap, waste oil collection/disposal practice, and capability to recycle effluent were not included on the diagram prior to the site visit.

PPG Industries
Site Visit Data Sheet

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.						
Name of Industry: PPG Industries						
Address of Industry: 3333 S. Peach Avenue; Fresno, CA 93725						
Date of visit: 3/26/2015			Time of visit: 11:20 a.m.			
Name of inspector(s): Jim Anderson, Malaga County Water District (District) Danny O'Connell, EPA Contractor, PG Environmental, LLC						
Provide the name(s) and title(s) of industry representative(s)						
Name		Title		Phone/Email		
Robert Baxter		Manager, Glass Products		559-485-4660		
IU Permit Number: 1038						
		Exp Date: 12/31/2015		IU Classification: Significant industrial user (classified by the District as a Class 1 SIU)		
Inspection Type/Purpose		Scheduled	X	Unscheduled		PCA
	X	PCI		New Company		Complaint
Please provide the following documentation:						
1. Nature of operation: The facility produces flat and tempered glass products for various industries. The purpose of the inspection was to evaluate the exterior perimeter of the facility. Specifically, the Inspection Team reviewed the outdoor emergency spill and discharge ponds due to recent power outages at the facility. The facility sampling location was also inspected as a component of the site visit. The process operations were not discussed or inspected during the facility inspection. The City had permitted the facility as a Class 1 SIU due to the potential for the facility's discharges to adversely impact the POTW. See notes 1 and 2 in the Notes section for additional details.						
2.	Number of employees	Refer to note 3 in the Notes section for additional information.	Number of shifts:	Not reviewed (N/R).	Hours of operation:	24 hours day; 7 days a week
3. Water source: Malaga County Water District						
4. Wastestream flow(s) discharged to the POTW: N/R.						
Sanitary:	N/R.	Process:	N/R.	Combined:	N/R.	
5. Describe any significant changes in process or flow: No significant changes in process or wastewater flow were identified or reported during the site visit.						
6. Type of pretreatment system (Describe): The facility's pretreatment system was not inspected as a component of the site visit. The site visit focused on the inspection of the facility's emergency spill and discharge ponds in addition to the sampling location.						
	Continuous flow	X	Batch		Combined	
7. Condition/operation of pretreatment system (Describe): The facility's pretreatment system was not						

inspected as a component of the site visit.			
Any unusual conditions or problems with the pretreatment system: Not applicable (N/A).			
8. Process area description (identify raw materials and processes used): The facility's process area was not inspected as a component of the site visit.			
9. Condition/operation of process area (Describe): N/A.			
Any unusual conditions or problems with the process area: The facility had recently experienced a power outage that caused the primary and secondary power systems at the facility to fail. The power failure caused the electrical power-driven process operations to shut down, which included the control movement of molten glass and cooling systems. Due to the extreme temperature of the molten glass, the system was designed with an emergency system to provide protection in the event of a power failure. For instance, during the power outage, the molten glass and cooling waters were gravity feed to the facility's "Frit Pit" (located outside the back of the facility). For more information, refer to note 2 in the Notes section.			
10. General housekeeping in process area (Describe): This component was not reviewed as part of the site inspection.			
Any unusual conditions or problems with general housekeeping in process area: N/R.			
11. Chemical storage area (identify the chemicals that are maintained on-site and how they are stored): The facility's chemical storage area was not inspected as a component of the site visit.			
Any floor drains?	N/R.	Any spill control measures?	N/R.
General housekeeping of chemical storage area (Describe): N/R.			
12. Are hazardous wastes drummed and labeled? N/R.			
13. Does the IU have hazardous waste manifests? N/R.			
Any problems associated with hazardous waste: N/R.			
14. Solid waste production: N/R.			
Solid waste disposal method(s): N/A.			
15. Description of sample location: Samples were collected from the sewerage discharge line from the facility wastewater lift station. Refer to note 2 in the Notes section for additional information.			
Sampling method/technique: Samples are collected by an automated 24-hour composite sampler.			
16. Evaluation of self-monitoring data?	<input type="checkbox"/>	Yes	<input type="checkbox"/>
	<input type="checkbox"/>	No	<input checked="" type="checkbox"/> N/A.
If yes, was self-monitoring adequate: N/A.			
17. Who performs the self-monitoring analysis? N/A.			
Notes:			
<p>1. As previously mentioned, the inspection focused on the review of the facility's process and emergency controls when responding to a power outage. According to District representatives, a power outage had recently occurred at the facility in 2015.</p> <p>During power outages, wastewaters were not discharged to the District's POTW. The facility representatives were asked to describe the general events associated with the facility's recent power failure. <i>The following is a very general overview of the discussions with facility representatives:</i></p> <p>The facility lost its primary power feed from the grid (approximately weeks before the facility site</p>			

inspection). The facility employees attempted to use the facility's onsite generator as a secondary power source, which failed to operate. Due to the nature of the molten glass, the facility had a number of operational support systems to control temperatures of piping assets so that the pipes didn't overheat and fail during process operations. The majority of the operational support systems rely on electricity as a power source to operate. The facility's fail-safe systems were designed to utilize gravity and a floor trench system to convey molten glass and liquids from the process areas to a "Frit Pit" and then to an emergency pond if needed (refer to the attached Image Log).

It is also strongly recommended that the facility's corrective actions associated with the failure of the secondary power source be reviewed with the facility representatives to ensure that the facility's emergency assets are being properly maintained.

2. The second component of the site inspection focused on the collection of representative samples. The wastewater samples are collected from the discharge line of the facility's sewerage lift station. These samples would be representative of wastewater generated at the facility, including the domestic wastewater. The facility had pH and conductivity probes positioned in the discharge line from the lift station. The probes were continually reporting water quality values as if the facility was continually discharging to the POTW. It was unclear to the Inspection Team if the probes would provide representative measures of the wastewater at the facility. Specifically, it was unclear if the probes were positioned in a way in which they were not collecting measurements from pooling water during times when wastewater was not being discharged to the District. Likewise, it was unclear if the facility removed the probes from the wastewater when the facility was not discharging in order to obtain a sample that was representative of the facility's daily discharge.

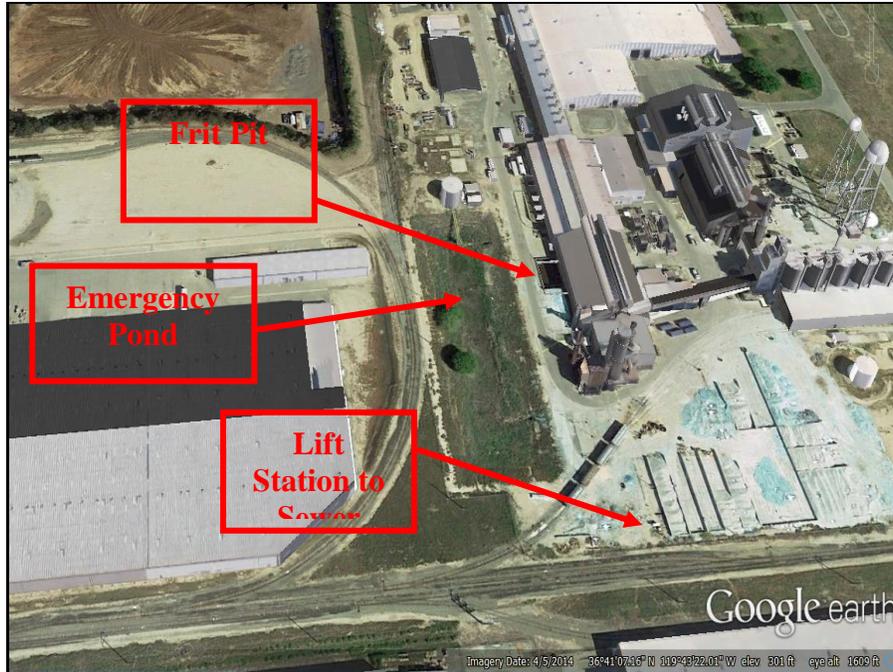
At 11:40 a.m. the facility's meters reported the following readings: pH = 4.91 standard units, EC = 836 micromhos per centimeter ($\mu\text{mhos/cm}$), and flow = 0 gpm. These readings provided further evidence that wastewater was not continuously discharging from the facility at the time of the inspection and that the water quality readings did not appear to be representative of actual discharge.

According to the regulations at 40 CFR 403.12(b)(5)(ii), the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations. Due to the uncertainties observed with the facility's wastewater probe locations and probe readings, it did not appear that the facility was collecting samples that were representative of the facility's daily operations. The District is required to further evaluate the operating conditions of the effluent quality probes to ensure that representative wastewater samples are being collected in accordance with the regulations at 40 CFR 403.12(b)(5)(ii).

3. The facility operates 24 hours a day. Employee shifts were not discussed. The facility's permit states that 140 employee work at the site.
4. As previously stated, the process area of the facility was not inspected as a component of the site visit. However, in the event of an emergency, the District should review the facility's process area clean up procedures with the facility representatives to understand how the facility may clean up after an emergency. Specifically, how the facility may clean up the process area after the molten glass has been

diverted to the Frit Pit. Therefore, it is strongly recommended that the District formally request a copy of the facility's standard operating procedures (SOPs) for general cleanup and spill response to identify the possibility of slug discharges to be generated and discharged from the facility to the POTW after an emergency event or power failure.

PPG Industries
Image Log



Photograph 1. Overhead Google Earth image of the facility (image date April 4, 2014). Note the position of the facility’s frit pit, emergency pond, and lift station.



Photograph 2. Overhead Google Earth image of facility. The current sample location was representative of wastewater being discharged from the facility to the POTW. However, the placement and management of the wastewater probes may have led to sampling results that were unrepresentative of discharge from the facility’s daily operations.

RockTenn, CP, LLC
Site Visit Data Sheet

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.						
Name of Industry: RockTenn CP, LLC						
Address of Industry: 3366 Muscat Avenue; Fresno, CA 93725						
Date of visit: 03/26/2015			Time of visit: 10:15 a.m.			
Name of inspector(s): Thomas Siphongsay, Environmental Compliance Inspector, Malaga County Water District (District) Kettie Holland, EPA Contractor, PG Environmental, LLC						
Provide the name(s) and title(s) of industry representative(s)						
Name		Title			Phone/Email	
Travis Johnson		Safety & Environmental Manager (S&E Manager)			559-519-7268	
IU Permit Number: 1001		Exp Date: 12/31/2015			IU Classification: Significant industrial user (classified by the District as a Class 1 SIU)	
Inspection	<input checked="" type="checkbox"/>	Scheduled	<input type="checkbox"/>	Unscheduled	<input type="checkbox"/>	PCA
Type/Purpose	<input checked="" type="checkbox"/>	PCI	<input type="checkbox"/>	New Company	<input type="checkbox"/>	Complaint
Please provide the following documentation:						
1. Nature of operation: The facility is a packaging company that produces corrugated cardboard for a variety of customers. The facility generates wastewater from its cleaning and equipment washing processes, and reuses the wastewater in its starch making process. In the past, the facility discharged wastewater to the District. At the time of the inspection, the facility discharged cooling tower blowdown to the District. The District permitted the facility as an SIU due to the reasonable potential for discharge from the facility to adversely affect the POTW's operations.						
2.	Number of employees	Approximately 132	Number of shifts:	Not reviewed (N/R).	Hours of operation:	24 hours per day; Monday–Friday.
3. Water source: Malaga County Water District						
4. Wastestream flow(s) discharged to the POTW: The facility discharged wastewater from its cooling towers to the District. In the past, the facility had discharged pretreated wastewater from its equipment washing processes to the District. However, at the time of the inspection the facility treated the water from the equipment washing process and reused it in the starch manufacturing process.						
Sanitary:	N/R.	Process:	Approximately 4,000 gallons per day (gpd).	Combined:	N/R.	
5. Describe any significant changes in process or flow: No significant changes in process or flow were observed during the inspection.						
6. Type of pretreatment system (Describe): The facility does not have a pretreatment system for the cooling water that it discharges to the District. However, cooling tower blowdown from the facility's chiller is						

pumped to a “mixing tank,” where the electrical conductivity (EC) and pH of the wastewater are measured before the wastewater is discharged to the District. The S&E Manager explained that the facility has the ability to recirculate the wastewater if it is not within the permitted discharge limits. Specifically, the facility has an electronic system that measures the EC and pH of the wastewater. If the wastewater is not within the permitted limits, a programmable device shuts down the facility's discharge point to the District and recirculates the wastewater for treatment until it reaches the permitted limits. The facility representative mentioned that the facility has not had to recirculate and treat the cooling tower blowdown discharged to the District in the past but has the chemicals onsite to recirculate and treat the wastewater if necessary. The facility representative stated that the wastewater is discharged from the mixing tank once the tank reaches a specific volume.

NOTE: The pretreatment system is reported as it was observed during this inspection.

Continuous flow	X	Batch		Combined
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7. Condition/operation of pretreatment system (Describe): The facility’s wastewater pretreatment system consisted of a tank for collecting the cooling tower blowdown water. The readings for EC and pH during the inspection were 535 micromhos per centimeter (µmhos/cm) and 7.33 standard units (s.u.), respectively.

Any unusual conditions or problems with the pretreatment system: No unusual conditions or problems with the pretreatment system were observed during the inspection.

8. Process area description (identify raw materials and processes used): The facility was large; thus, a cursory inspection of the process area was performed. The following was observed regarding the process area during the inspection:

- Corrugated paper area—The facility's corrugated cardboard manufacturing was conducted in this area. Here, large rolls of paper were used to produce sheets of cardboard. The corrugated medium was adhered to liner sheets using starch glue. Once the sheets of corrugated paper were dry, logos and labels were printed on the boxes with water-based inks.
- Water treatment area—This area of the facility housed the water treatment process. Wastewater generated from the cleaning and equipment washing processes was collected and treated to a standard that allowed the wastewater to be reused in the starch glue production process. Wastewater generated from the equipment and cleaning process was collected in a sump outside of the machine used for stamping ink logos and labels onto the corrugated boxes. There were two ink printing machines, and each had a sump for wastewater collection.

After the wastewater was collected in the sumps, it was pumped to a large equalization tank. From the equalization tank, the wastewater was pumped to a 7,000-gallon treatment tank that was equipped with a mixer; caustic was added at this location. Wastewater went through a filter press and was sent to a filter pit. From here, the wastewater was pumped to the “Ringwood process water tank,” sent through a chiller, and finally used in the production of starch glue.

9. Condition/operation of process area (Describe): A cursory inspection of the process area was conducted due to time constraints. The corrugated paper area was clean and dry at the time of the inspection. A puddle was observed on the floor of the water treatment area. The puddle appeared to have originated from the Ringwood process water tank. During the inspection, the S&E Manager called an employee to fix the leak.

The wastewater in the treatment tank was very dark, and the tank was approximately 75 percent full at the time of the inspection.			
Any unusual conditions or problems with the process area: A puddle was observed on the floor of the water treatment area, near the Ringwood process water tank. During the inspection, the S&E Manager called an employee to fix the leak.			
10. General housekeeping in process area (Describe): The corrugated paper area of the facility was very clean. It was loud, due to active process operations. The water treatment area was relatively clean and free of debris at the time of the inspection.			
Any unusual conditions or problems with general housekeeping in process area: A tote was leaking what appeared to be ink onto the floor of the process area at the time of the inspection. A water tank in the water treatment area was also leaking at the time of the inspection.			
11. Chemical storage area (identify the chemicals that are maintained on-site and how they are stored): The facility's chemical storage area was not inspected due to time constraints.			
Any floor drains?	N/R.	Any spill control measures?	N/R.
General housekeeping of chemical storage area (Describe): N/R.			
12. Are hazardous wastes drummed and labeled? Hazardous waste was not observed at the facility during the inspection.			
13. Does the IU have hazardous waste manifests? N/R.			
Any problems associated with hazardous waste: N/R.			
14. Solid waste production: The facility produced solid waste in the form of filter cake from its water treatment process.			
Solid waste disposal method(s): The facility's filter cake was hauled offsite for disposal.			
15. Description of sample location: According to information provided during the inspection, the facility and the District collect compliance samples from different locations. See note 1 in the Notes section for additional information.			
Sampling method/technique: The facility representative stated that the facility collected grab samples for analysis.			
16. Evaluation of self-monitoring data?	Yes	<input checked="" type="checkbox"/> No	N/A
If yes, was self-monitoring adequate: N/A.			
17. Who performs the self-monitoring analysis? This component was not reviewed as part of the onsite inspection.			
Notes:			
<p>1. During the inspection of the mixing tank at the facility, the Inspection Team inquired about where the facility collected its samples for self-monitoring purposes. The facility representative stated that grab samples were collected from a small line after the mixing tank but prior to the discharge point. The District Environmental Compliance Inspector stated that the District collected compliance samples from a manhole in the street (approximately 200 yards from the facility's sampling location).</p> <p>According to the federal regulations at 40 CFR 403.12(b)(5)(ii), samples should be representative of daily operations. Additionally, the federal regulations at 40 CFR 403.12(b)(5)(iv) state that samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If the District collects samples from the manhole in the street, the process water may be diluted by domestic wastewater or various other waste streams discharged upstream of the manhole. Therefore, the District is required to ensure that it identifies a sampling location that is both representative of the facility's daily process operations and is located</p>			

downstream of the facility's oil and water separator, but prior to where mixing with other waste streams would occur in accordance with the federal regulations at 40 CFR 403.12(b)(5)(ii) and (iv). Further, the District should ensure that the District and facility are collecting samples for compliance purposes from the same location.

Speedy Truck Wash, Inc. (Formerly, Moga Truck Wash)

Site Visit Data Sheet

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.						
Name of Industry: Speedy Truck Wash, Inc. (formerly Moga Truck Wash)						
Address of Industry: 3846 S. Front Avenue; Fresno, CA 93725						
Date of visit: 3/26/2015			Time of visit: 2:40 p.m.			
Name of inspector(s): Jim Anderson, Malaga County Water District (District) Danny O’Connell, EPA Contractor, PG Environmental, LLC						
Provide the name(s) and title(s) of industry representative(s)						
Name		Title			Phone/Email	
Shane Sharma		Owner			559-489-6000	
IU Permit Number: 1098		Exp Date: 12/31/2015			IU Classification: Significant industrial user (classified by the District as a Class 1 SIU)	
Inspection Type/Purpose		Scheduled	X	Unscheduled		PCA
	X	PCI		New Company		Complaint
Please provide the following documentation:						
1. Nature of operation: The facility operates a two-bay truck wash and conducts maintenance and washing activities for semi-trailer trucks. The District has classified the facility as a Class 1 SIU due to the potential for the facility’s discharges to negatively impact the POTW.						
2.	Number of employees	5	Number of shifts:	1	Hours of operation:	Approximately 7:00 a.m.–5:00 p.m.; Monday–Saturday
3. Water source: Malaga County Water District						
4. Wastestream flow(s) discharged to the POTW: The facility discharges pretreated truck wash waters to the POTW. The Inspection Team also observed the ability for spills occurring at the facility to discharge to trench drains and ultimately to the POTW. Refer to note 1 in the Notes section for additional information.						
Sanitary:	Not reviewed (N/R).	Process:	N/R.	Combined:	Not applicable (N/A).	
5. Describe any significant changes in process or flow: No significant changes in process or wastewater flow were identified or reported during the facility inspection.						
6. Type of pretreatment system (Describe): The facility’s pretreatment system consisted of a sump and a “Water Maze” package treatment system to treat wastewater prior to discharging to the POTW. Wastewater from the facility’s truck washing operations and potential spills in the process area are collected via a floor trench drain system. The floor trench drain system leads to the facility wastewater sump and is pumped through a PVC pipe to the Water Maze package treatment system (refer to photographs 1 through 4 of the attached Photograph Log). The Water Maze has a clarifier containing lamella plates and an oil skimming unit for the collection and removal of solids and greases. The Water Maze system discharges to the sewer via a segregated PVC pipe housing pH and electrical conductivity probes. The PVC pipe flows to a newly installed sampling box (refer to photographs 5 through 7 of the attached Photograph Log) prior to the POTW. The facility had implemented pH and electrical conductivity probes at the time of the inspection. However, the placement and reading of the probes may not be representative of the wastewater discharged and discharged from the facility. Refer to notes 2						

<p>through 4 in the Notes section for additional details.</p> <p>The wastewater sump also had a secondary pump that delivered wastewater to a garden hose that returned wastewater to the sump (refer to photograph 8 of the attached Photograph Log). The purpose of the secondary pump and hose was unclear to the Inspection Team and unknown by the facility representative at the time of the inspection.</p>							
	Continuous flow	X	Batch				
			Combined				
7.	<p>Condition/operation of pretreatment system (Describe): The facility's pretreatment system was not receiving wastewater at the time of the inspection. The system appeared to be well maintained and the surface of the tanks were free of debris and oils.</p> <p>Any unusual conditions or problems with the pretreatment system: The Water Maze pretreatment system was in operation mode (based on power switches and timer), but was not receiving flow during the inspection (refer to photograph 9 of the attached Photograph Log).</p>						
8.	<p>Process area description (identify raw materials and processes used): The perimeters of the vehicle wash bays were used to store cleaning equipment including concentrated cleansers, power wands, and various hoses. Wastewater generated within the vehicle wash bays drained to a series of floor trenches that conveyed wash waters and possible spills to the facility's wastewater sump. Numerous hoses from various sources were observed on the ground within the vehicle wash bays.</p> <p>Condition/operation of process area (Describe): The truck washing operations were conducted in two wash bays. Volumes and concentrations of wastewater generated at the facility vary based on the number of trucks and the individual cleaning needs for customers. The vehicle wash bays were wet and did not indicate signs of recent gas or oil spills. Power wash hoses were laying on the bay floors in most areas. Containers of concentrated cleansers and detergents were positioned in a manner so that heavy road oils and grease could be removed from wheels, gas tanks, and other lower truck components. The Inspection Team also observed that numerous systems in the process area had been modified in an unstable manner to accommodate operations at the facility. Refer to note 5 in the Notes section for additional details.</p> <p>Any unusual conditions or problems with the process area: Many of the chemical containers were positioned on top of or immediately adjacent to floor trenches leading to the pretreatment system. Refer to photograph 10 of the attached Photograph Log and to note 1 in the Notes section for additional details.</p>						
9.	<p>General housekeeping in process area (Describe): The process area was wet and was regularly cleaned with water conveyed through hoses. The floor wash waters were collected in the floor trenches and conveyed to the pretreatment system.</p> <p>Any unusual conditions or problems with general housekeeping in process area: During the inspection of the process area, the Inspection Team observed that in the event of a spill, the spilled material would discharge to the trench drains within the process area and ultimately to the POTW.</p>						
10.	<p>Chemical storage area (identify the chemicals that are maintained on-site and how they are stored): The facility's chemical storage areas were positioned along the vehicle wash bay perimeters without secondary containment (refer to photograph 10 of the attached Photograph Log and note 1 in the Notes section for additional detail).</p> <table border="1"> <tr> <td>Any floor drains?</td> <td>Yes.</td> <td>Any spill control measures?</td> <td>No.</td> </tr> </table> <p>General housekeeping of chemical storage area (Describe): The facility did not have a central chemical storage area. However, the chemicals housed within the process area were stored in the direct vicinity of trench drains leading to the pretreatment system and ultimately the POTW.</p>			Any floor drains?	Yes.	Any spill control measures?	No.
Any floor drains?	Yes.	Any spill control measures?	No.				
11.	<p>Are hazardous wastes drummed and labeled? N/R.</p>						

12. Does the IU have hazardous waste manifests? N/R.				
Any problems associated with hazardous waste: No problems associated with hazardous waste were observed at the facility as the Inspection Team walked to the pretreatment system.				
13. Solid waste production: The production of solid wastes were not reviewed during this inspection, however there were no records related to the maintenance of the Water Maze (i.e. removal and disposal of solids from the clarifier). Refer to note 4 in the Notes section for additional details.				
Solid waste disposal method(s): N/R.				
14. Description of sample location: The facility’s compliance samples were collected from a sewer manhole downstream of the facility, on South Front Avenue. Refer to note 3 of the Notes section for additional information regarding the facility’s sampling point.				
Sampling method/technique: Specific sampling methods were not discussed as a component of the site visit.				
15.	Evaluation of self-monitoring data?	<input type="checkbox"/>	Yes	<input type="checkbox"/>
		<input type="checkbox"/>	No	<input checked="" type="checkbox"/> N/A
If yes, was self-monitoring adequate: N/A.				
16. Who performs the self-monitoring analysis? N/A.				
Notes:				
<p>1. The facility had not developed or implemented written standard operating procedures (SOPs) for its process operations. Without written SOPs for the mixing and use of concentrated cleansers, the actual concentration and quality of wash solutions used in the facility may vary on a regular basis. Depending on the concentration/quality of the wash solutions slug or slug-like discharges may be discharged to the POTW. It is strongly recommended that the District require the facility to develop SOPs for the use, storage, and mixing of concentrated cleansers at the facility.</p> <p>It is also strongly recommended that the District evaluate the potential slug discharges to be generated and discharged from the facility. Specifically, the District should evaluate possible spills of concentrated cleanser used to remove oils and greases and spill or leaks from 55-gallon drums of cleansers (refer to photographs 1 through 3 and 10 of the attached Photograph Log). During the inspection process, the District representative was confusing the term “slug discharge” with “batch discharge.” The District shall, in very precise language, discuss “slug” discharge concerns with the facility representative as stated in 40 CFR 403.8(f)(2)(vi) and ultimately determine the need for the facility to develop and implement a slug discharge control plan.</p> <p>2. The pH and electrical conductivity probes were housed in PVC piping (refer to photographs 5 and 6 of the attached Photograph Log). The actual condition and operational positioning of the probes could not be verified without disassembling the effluent piping. The operational positioning of the probes is critical concerning some of the recorded measurements contained in the facility’s discharge log (Attachment 1 and photograph 11 of the attached Photograph Log). Many of the effluent pH readings were below 6.0 s.u. In addition, 15 of the pH readings were below a pH value of 4.0 s.u. and seven readings were below pH value of 3.0 s.u. Based on the log entries, the pH readings are taken at the start of the day (between 7:00 and 9:00 a.m.). It was unclear to the Inspection Team if wastewater was actually being discharged to the POTW at the time the pH measurements were recorded. Specifically, it was unclear if the probes were sitting in pooling wastewater or sitting dry in the pipe during off hours or times in which the facility was not processing wastewater through the Water Maze unit.</p> <p>According to the regulations at 40 CFR 403.12(b)(5)(ii), the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each</p>				

regulated process. The sample shall be representative of daily operations. Due to the condition and placement of the probes observed onsite, and the uncertainty of the representativeness of the wastewater quality according to the probe readings, the District is required to ensure that permittee's compliance monitoring is representative of the daily wastewater generating and discharge operations at the facility in accordance with the regulations at 40 CFR 403.12(b)(5)(ii)

3. Based on the discussions with facility representatives, compliance samples gathered by the District are collected from the manhole on South Front Avenue (refer to photographs 12 and 13 of the attached Photograph Log) in front of the wash bays, and not at the newly installed sampling box (refer to photographs 7 and 14 of the attached Photograph Log) within the facility's fence line. The wastewater samples collected from the manhole within the street may be diluted with wastewater generated and discharged from other facilities, and thus would not be representative of wastewater generated and discharged from the facility. The District is required to ensure that District compliance monitoring is representative of the wastewater generated at the facility in accordance with the regulations at 40 CFR 403.12(b)(5)(ii). In addition, it is strongly recommended that the facility's sampling box be evaluated for its ability's to provide a representative sample without special sampling techniques (i.e. damming of wastewater flows in sampling box, refer to photograph 14 of the attached Photograph Log).
4. The pH and electrical conductivity digital display was reporting effluent quality values at the time of the inspection. The conductivity was measured as 1,312 micromhos per centimeter ($\mu\text{mhos/cm}$) and the pH was measured as 5.73 standard units (s.u.) at approximately 10:30 a.m. Refer to photograph 15 of the attached Photograph Log for additional details.

According to Part 1.8 of the facility's permit, "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 User at the User's own cost and expense." Due to the significant difference of the pH and electrical conductivity measurements recorded in the facility's log sheet, it was unclear if the facility was properly maintaining its wastewater sampling equipment to obtain accurate readings.

Due to the facility's lack of maintenance records, (including probe cleaning and calibration, solids removal from the clarifier, etc.) for the Water Maze system, and lack of flow to the Water Maze system, the District is required to ensure that the permittee properly maintains its pretreatment system in accordance with Part 1. 8 of the facility's permit. It is also recommended that the facility keep detailed records regarding maintenance activities conducted at the facility.

5. The wash bays had six mobile power spray washers and numerous 200-gallon totes and 55-gallon drums positioned around the perimeter of the bays. The facility's wash solution and water delivery systems had a lot of cross connections, "jerry rigged" assets, and unlabeled lines/hoses. The "jerry rigging" was not limited to the water and cleanser delivery systems. The Inspection Team observed an old plumbing line and faucet being used as an electrical conduit line (refer to photograph 16 of the attached Photograph Log).

Speedy Truck Wash, Inc. (Formerly, Moga Truck Wash)

Attachment 1

Date	Time	Value	Calculation
Oct 21 2014	8:00 AM	681	0161
Oct 22 2014	8:00 AM	667	0170
Oct 23 2014	8:00 AM	646	0166
Oct 24 2014	8:00 AM	621	0158
Oct 25 2014	8:05 AM	678	0226
Oct 27 2014	8:00 AM	641	0316
Oct 28 2014	8:00 AM	698	0223
Oct 29 2014	8:00 AM	745	0314
Oct 30 2014	8:00 AM	700	0194
Oct 31 2014	7:00 PM	645	0252
Nov 01 2014	7:00 AM	700	0200
Nov 02 2014	7:00 AM	700	0200
Nov 03 2014	7:00 AM	640	0311
Nov 04 2014	7:00 AM	615	0221
Nov 05 2014	7:00 AM	638	0221
Nov 06 2014	7:00 AM	651	0221
Nov 07 2014	8:00 AM	986	0651
Nov 08 2014	7:00 AM	-261	0
Nov 09 2014	7:00 AM	879	0
Nov 10 2014	7:00 AM	212	
Nov 11 2014	7:00 AM	-213	
Nov 12 2014	7:00 AM	-257	
Nov 13 2014	7:00 AM	-271	
Nov 14 2014	7:00 AM	-265	
Nov 15 2014	7:00 AM	-435	
Nov 16 2014	7:00 AM	-486	

The image shows a handwritten table on lined paper. The table has four columns: Date, Time, a numerical value, and an equals sign followed by another numerical value. The data is as follows:

Date	Time	Value 1	Value 2
Nov 12 2014	7:00 AM	512	0630
Nov 13 2014	8:00 AM	535	0830
Nov 14 2014	7:00 AM	502	0539
Nov 15 2014	7:00 AM	522	0630
Nov 16 2014	7:00 AM	935	0630
Nov 17 2014	7:00 AM	602	0470
Nov 18 2014	7:00 AM	2212	0387
Nov 30 2014	7:00 AM	2314	516
Dec 1 2014	7:00 AM	582	529
Dec 1 2014	7:00 AM	676	0528
Dec 2 2014	7:00 AM	739	0562
Dec 3 2014	7:00 AM	612	0558
Dec 4 2014	7:00 AM	498	614
Dec 5 2014	7:00 AM	605	693
Dec 6 2014	7:00 AM	509	55
Dec 7 2014	8:30 AM	624	6
Dec 8 2014	7:00 AM	513	5
Dec 9 2014	7:00 AM	579	4

Year	Time	Value 1	Value 2
2015	7:00 Am	500	500
2015	7:00 Am	500	500
2015	7:00 Am	500	500
2015	7:30 Am	606	500
2015	7:00 Am	471	500
2015	7:15 Am	471	500
2015	7:30 Am	454	500
2015	7:15 Am	514	400
2015	7:30 Am	409	500
2015	7:30 Am	589	300
2015	7:30 Am	688	300
2015	7:15 Am	596	300
2015	7:30 Am	517	550
2015	7:15 Am	706	500
2015	7:30 Am	571	500
2015	7:15 Am	515	500
2015	7:00 Am	471	500
2015	7:30 Am	648	300
2015	7:30 Am	478	400
2015	7:15 Am	565	300
2015	7:00 Am	549	300
2015	7:00 Am	537	300
2015	7:15 Am	502	273
2015	7:30 Am	613	278
2015	7:30 Am	301	501
2015	7:15 Am	676	400

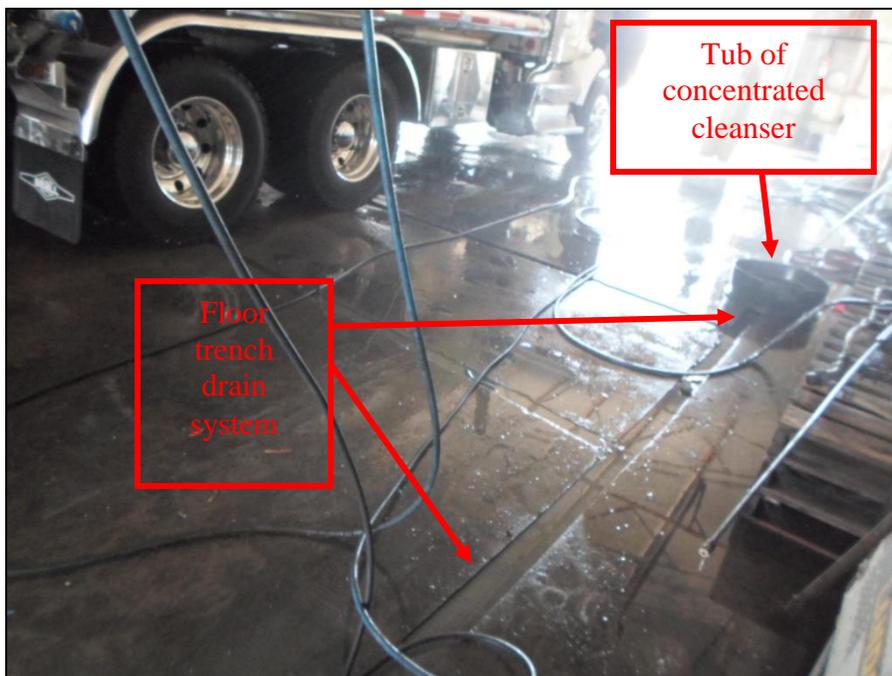
Date	Time	Conductivity	pH
March 14	7:40 AM	1821	3.56
March 16	7:40 AM	1669	
March 17	7:10 AM	1695	
March 18	8:00 AM	1681	
March 19	7:30 AM	1334	
March 20	7:20 AM	1412	5.5
March 21	7:40 AM	1438	6.5
March 22	7:40 AM	1390	5.98
March 23	7:30 AM	1372	6.56
March 24	7:40 AM	1372	6.56
March 25	7:40 AM	1185	6.44
March 26	7:00 AM	1338	5.83

Speedy Truck Wash, Inc. (Formerly, Moga Truck Wash)

Photograph Log



Photograph 1. The facility had two wash bays (image of area between bays). The bays had containers of cleanser used for cleaning road greases and oils from the trucks. The wastewaters were transported by shallow trenches in the concrete floor to the pretreatment system.



Photograph 2. View of a container of cleanser used for cleaning road greases and oils from the trucks. Note the container was positioned on top of floor trench which led to the wastewater collection sump.



Photograph 3. View of the floor trench drains leading to the wastewater collection sump.



Photograph 4. View of the facility's process wastewater collection sump and pretreatment system (referred to as a "Water Maze"). A significant amount of hoses were observed on the floors throughout the wash bays.



Photograph 5. View of the pH and conductivity probes used in measuring the effluent wastewater quality at the facility. The probes were located in the pretreatment system's effluent line.



Photograph 6. View of the actual position of probes within the effluent line at the facility. The positioning of the probes within the effluent line could not be determined without disassembling the effluent line.



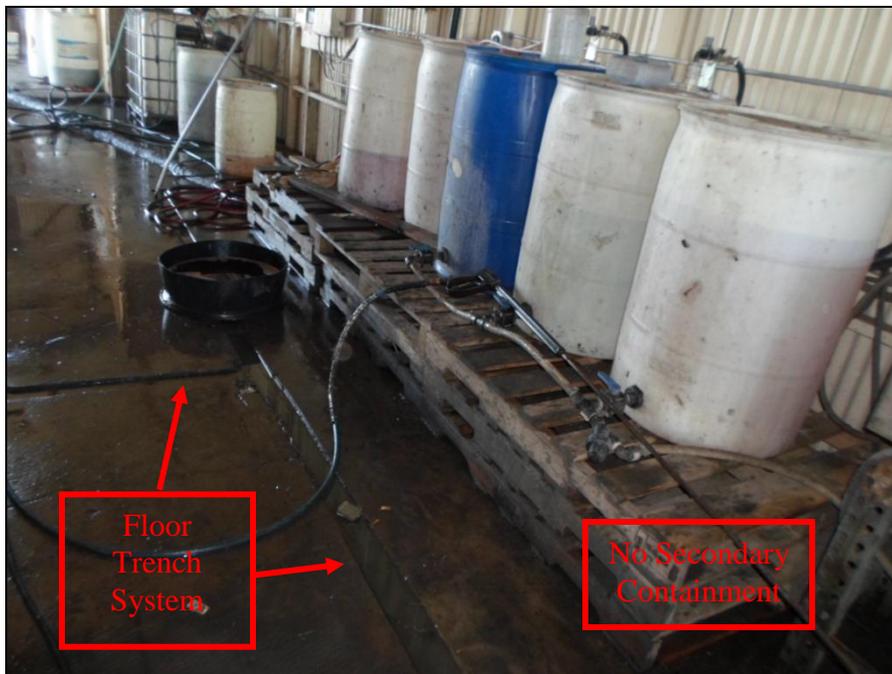
Photograph 7. View of the new sampling box located in front of the facility.



Photograph 8. View of the wastewater collection sump with a hose attached to a secondary sump pump that was used as a recirculation system.



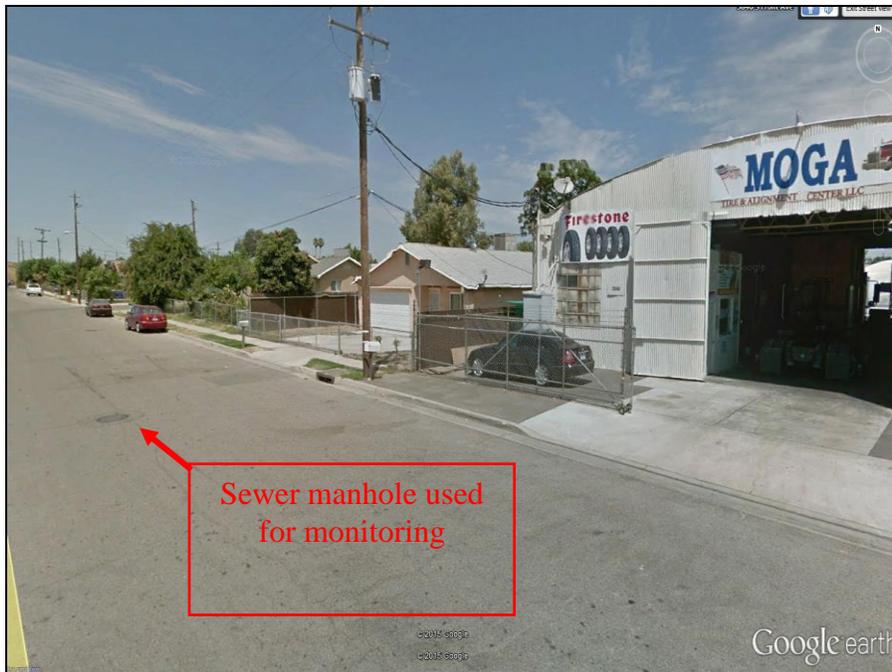
Photograph 9. View of the pretreatment system controls at the facility, which was equipped with an oil skimmer. The pretreatment system appeared to be operational, but was not receiving wastewaters at the time of the inspection.



Photograph 10. View of various containers of cleansers used in the cleaning process at the facility. Secondary containment was not provided for the cleaners. Note the proximity of the floor drain to the stored chemicals.

DATE	TIME	pH	Cond
APR-14	9:30 AM	7.69	1025
APR-14	9:30 AM	8.05	1260
APR-14	9:30 AM	7.72	1104.6
APR-14	9:00 AM	7.72	1102.21
APR-14	8:00 AM	7.02	992.21
APR-14	8:00 AM	6.70	902.21
APR-14	8:00 AM	7.42	412.25
APR-14	8:00 AM	7.32	462.25
APR-14	8:14 300 AM	7.71	1027.21
APR-14	7:00 AM	6.72	106.21
APR-14	7:00 AM	6.62	1532
APR-14	6:00 AM	9.24	7047
APR-14	6:00 AM	8.05	1075
APR-14	6:00 AM	6.12	12.25
APR-14	6:00 AM	7.84	5.10
APR-14	5:00 AM	7.85	8.2
APR-14	4:00 AM	7.03	2.24
APR-14	4:00 AM	7.31	1652
APR-14	4:00 AM	7.24	27.22
APR-21	8 AM	7.27	1025
APR-22	8 AM	8.10	1332
APR-23	8 AM	9.31	2842
APR-24	8 AM	8.06	2216
APR-25	8 AM	7.95	1168
APR-26	8 AM	4.11	710
APR-24	8 AM	7.9	64

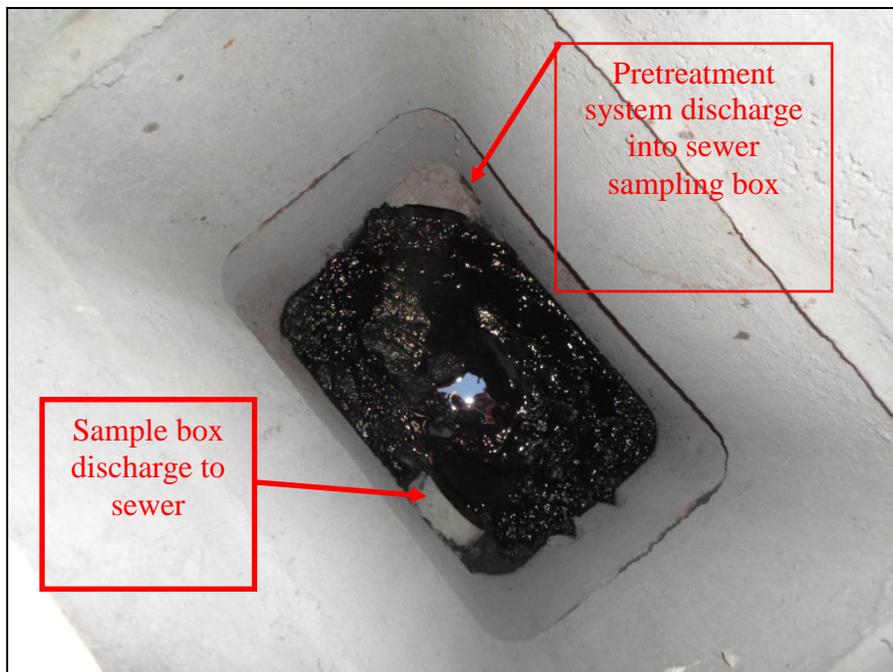
Photograph 11. View of the facility’s pH and conductivity log. The pages were hand written by the operator. The measurements were reported to be taken before the commencement of operations in the morning. The completed log pages were stored in the manager’s office. Attachment 1 contains the photographs of log pages.



Photograph 12. Google Earth image dated April 5, 2014. The wash bays at this time appeared to be used for truck wheel and tire maintenance operations. The image shows location of manhole currently used for compliance monitoring.



Photograph 13. Google Earth image dated April 5, 2014. The image shows the location where the new sampling box was installed.



Photograph 14. View of the interior of the new sampling box located in front of the facility. There was not a direct connection between the influent and effluent pipes within the sample box. Nondomestic wastewater appeared to flow haphazardly through the box and ultimately to the POTW.



Photograph 15. Close-up view of the pH and conductivity reading measured by the effluent meters. The conductivity was measured as 1,312 $\mu\text{mhos}/\text{cm}$ and the pH was measured as 5.73 s.u. at approximately 10:30 a.m.



Photograph 16. View of electrical wiring fed through an existing water faucet fixture. The photographs provides an example of a significant modification of plumbing and “jerry rigged” assembly electrical wiring (i.e. ran electrical wire through a plumbing pipe and faucet) at the facility.

Attachment B

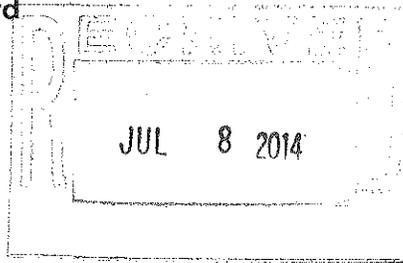
NOV, SNOV, and the District's Response

Attachment B.1

NOV issued to the District on July 7, 2014

Central Valley Regional Water Quality Control Board

7 July 2014



NOTICE OF VIOLATION

James D. Anderson
General Manager
Malaga County Water District
3580 South Frank Street
Fresno, CA 93725

CERTIFIED MAIL
7013 2250 0002 0464 4086

**VIOLATIONS OF CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
ORDER NO. R5-2008-0033 AND CEASE AND DESIST ORDER R5-2008-0032, (NPDES
CA0084239, RM 396746), FRESNO COUNTY**

This Notice of Violation (NOV) is issued to Malaga County Water District (Malaga) pursuant to California Water Code sections 13260, 13263, 13376, 13385, and 13350 for violations of Waste Discharge Requirements (WDRs) Order No. R5-2008-0033 (NPDES Permit No. CA0084239) and Cease and Desist Order (CDO) R5-2008-0032 adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 14 March 2008.

Central Valley Water Board staff has identified three broad categories of violations of Order Nos. R5-2008-0033 and R5-2008-0032 by Malaga.

1. Violation of Pretreatment Standards

Order No R5-2008-0033 Section VI C 5: Special Provisions for Municipal Facilities (POTWs Only), subsection (a)(ii) states, in part, "The Discharger shall perform the pretreatment functions required by 40 CFR Part 403." The Central Valley Water Board staff has determined that Malaga violated the following terms of 40 CFR 403:

- Failure to adopt adequate legal authority as required by 403.8(f)(1).
- Failure to adopt adequate permits as required by 403.8(f)(1)(iii)(B).
- Failure to obtain Board approval for modification of local limits as required by 403.18(c).
- Failure to sample Significant Industrial Users at least once a year, as required by 403.8(f)(2)(v).

- Failure to publish a list of users in significant non-compliance as required by section 403.8 (f)(2)(viii).
- Failure to develop an enforcement response plan as required by 403.8(f)(5).
- Failure to evaluate whether a slug control plan is needed as required by 403.8(f)(2)(vi).

2. Violation of Monitoring and Reporting Requirements

Malaga is required to comply with the Monitoring and Reporting requirements established in R5-2008-0033 - MRP (X)(D)(4). Central Valley Water Board staff has determined that Malaga has violated these requirements by:

- Failure to file adequate annual pretreatment reports in violation of MRP (X)(D)(4) for the years 2008-2013.
- Failure to file an adequate quarterly reports in violation of MRP (X)(D)(4)(d) for the quarters Q1-Q3 2008, Q1-Q3 2009, Q1-Q3 2010, Q1-Q3 2011, Q1-Q3 2012, and Q1-Q3 2013.

3. Violation of Cease and Desist Order R5-2008-0032

Lastly, the Central Valley Water Board issued Malaga CDO R5-2008-0032, which required Malaga, in part, to:

“Submit the results of a study evaluating the WWTF treatment and disposal capacity and proposing a work plan and time schedule to implement short-term and long-term measures to ensure compliance with waste discharge requirements. Study results shall include evaluations of, but not limited to, short-term measures necessary to comply with Order No. R5-2008-0033, implementation of appropriate ongoing operations and maintenance, and long-term measures to meet WWTF treatment and disposal needs through at least 2028. The time schedule for short-term measures shall not exceed **14 March 2011**. The technical report shall include actions to generate appropriate population and WWTF flow projections and their rationale.”

On 28 July 2008, Malaga submitted a technical report in response to CDO R5-2008-0032 requirement. On at least five occasions; including a 24 September 2009 letter, 19 August 2013 letter, 10 October 2013 documented phone call, 21 October 2013 e-mail, and 24 October 2013 documented phone call; Central Valley Water Board staff informed Malaga that its response to this requirement was inadequate. To date, Malaga has failed to produce an adequate report.

Failure to comply with WDRs Order No. R5-2008-0033 subjects Malaga to civil liability of up to \$10,000 per day pursuant to Water Code Section 13385 for each violation. Failure to comply with Cease and Desist Order R5-2008-0032 subjects Malaga to administrative civil liability of up to \$5,000 per day per Water Code Section 133350.

The Central Valley Water Board will pursue formal enforcement regarding these violations. Central Valley Water Board staff requests a meeting with Malaga by **28 July 2014** to discuss resolution of these matters.

James D. Anderson
Malaga County Water District

- 3 -

7 July 2014

For questions regarding this NOV and to schedule a meeting, please contact Jill Walsh at (559) 445-5130 or jill.walsh@waterboards.ca.gov or Warren Gross at (559) 445-5128 or warren.gross@waterboards.ca.gov.

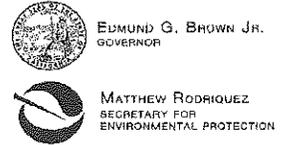


Clay Rodgers
Assistant Executive Officer

cc: Amelia Whitson, USEPA Region IX, WTR-7, San Francisco
Ken Greenberg, USEPA Region IX, WTR-7, San Francisco
Charles E. Garabedian, Jr. President, Malaga CWD
Michael Taylor, Provost and Pritchard, Fresno
Neal Costanzo, Costanzo & Associates, Fresno
James M. Ralph, Staff Counsel, Office of Enforcement, State Water Resources
Control Board

Attachment B.2

**Supplemental NOV issued to the District on August
18, 2014**

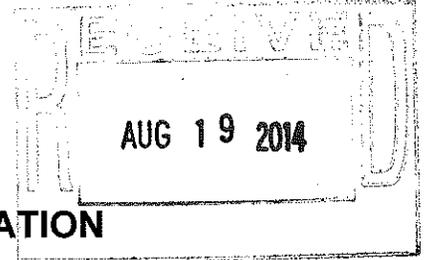


EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

18 August 2014



SUPPLEMENTAL NOTICE OF VIOLATION

James D. Anderson
General Manager
Malaga County Water District
3580 South Frank Street
Fresno, CA 93725

CERTIFIED MAIL
7013 2250 0002 0661 7897

VIOLATIONS OF CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R5-2008-0033; AND CEASE AND DESIST ORDER R5-2008-0032

Background

On 7 July 2014, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued a Notice of Violation (NOV) to Malaga County Water District (Malaga or District). Malaga has requested clarification of the violations alleged in the 7 July 2014 NOV. Malaga has received notification of these violations previously; however, in response to Malaga's request, the Central Valley Water Board provides this supplemental NOV to clarify the factual basis for each violation.

Please read this Supplemental Notice of Violation carefully. The Central Valley Water Board plans to pursue formal enforcement regarding these violations. Malaga is invited to contact the Central Valley Water Board staff by **2 September 2014** if Malaga seeks to discuss resolution of these violations.

Violations

1. Violation of Pretreatment Standards

Order No R5-2008-0033, Section 5: Special Provisions for Municipal Facilities (POTWs Only), subsection (a)(ii) states "The Discharger shall perform the pretreatment functions required by 40 CFR Part 403." The Central Valley Regional Water Board staff has determined that Malaga violated the following sections of 40 CRF 403.

a. Failure to adopt adequate legal authority as required by 40 CFR 403.8(f)(1).

40 CFR 403.8(f) requires Malaga to operate its Publicly Owned Treatment Works (POTW) pursuant to legal authority that enables it to do enumerated actions. Specifically:

(f) *POTW pretreatment requirements.* A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(1) *Legal authority.* The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12. [Emphasis added].

On 13 January 2004, Malaga adopted Ordinance No. 01-13-2004 (2004 Ordinance). The 2004 Ordinance does not enable Malaga to require the development of a compliance schedule by each industrial user (IU) for the installation of technology required to meet applicable pretreatment standards and requirements.

On 18 February 2010, a Pretreatment Compliance Inspection (2010 PCI) of Malaga's approved Pretreatment Program was performed. Malaga was informed of the lack of a compliance schedule during the 18 February 2010 PCI and received the checklist identifying the deficiency during the exit interview on that date. The resulting Report (2010 PCI Report) noted that Malaga was required to have such compliance schedules (2010 PCI Report, pg. 4). Yet, on 25 February 2014, Malaga adopted a new ordinance (2014 Ordinance) that did not correct this inadequacy (this ordinance is misleadingly titled "Ordinance No. 2013-1," when in fact it was adopted in 2014).

Malaga has been non-compliant with the requirement of 40 CFR 403.8(f)(1)(iv) from 14 March 2008, when Order No R5-2008-0033 was issued to present.

b. Failure to adopt adequate permits as required by 40 CFR 403.8(f)(1)(iii)(B).

40 CFR 403.8(f)(1)(iii) requires Malaga to issue permits to its IUs. Specifically:

(iii) Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under § 403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User...

40 CFR 403.8(f)(1)(iii)(B) identifies the conditions the IU permits must contain. Specifically:

Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

- (1) Statement of duration (in no case more than five years);
- (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- (3) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;
- (5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
- (6) Requirements to control Slug Discharges, if determined by the POTW to be necessary. [Emphasis added]

From 2008 to 2013, Malaga's IU permits have not satisfied the requirements of 40 CFR 403.8(f)(1)(iii)(B), by failing to include local limits and/or relevant sampling requirements.

Malaga's 2008 and 2009 IU permits failed to identify sample locations and did not indicate sample type for all pollutants.

During the 2010 PCI, Malaga was informed of the sampling deficiencies and received the checklist identifying the deficiencies at the exit interview on that date. The 2010 PCI Report also noted that some permits did not specify a local limit for:

The iron limit in Calpine's permit is inconsistent with the limit established in Malaga's 2004 Ordinance. The iron limit in the permit is listed as 10 parts per million (milligrams per liter, mg/L), but the 2004 Ordinance specifies that the local limit for iron is 1 part per million. Therefore, Malaga is required to revise Calpine's permit to include the iron limit established in the 2004 Ordinance. See PCI Report, Section 6.2, Pg. 4.

After the 2010 PCI, Malaga added sample types and a sample location to its IU permits; however, the sample location is not defined or depicted in the permits.

¹ Malaga's IU permits, from 2008 to 2013, did not include a process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism.

On 6-7 January 2014, a Pretreatment Compliance Audit (2014 PCA) of Malaga's approved pretreatment program was performed. As a component of the 2014 PCA, the sampling locations listed in the permits were reviewed. According to the resulting report (2014 PCA Report):

Each of the permits reviewed stated that the permittee must monitor outfall 001. In addition, part 3.2(a) of the permits lists the measurement location as "001." However, this measurement location is not defined, described, or depicted in the permits. In order to ensure that samples are collected at the correct locations, the Malaga is required to include an adequate description of the sampling locations in the permits. For more information about the sampling locations at the facilities inspected as part of the audit, refer to section 9.3, Nondomestic Discharger Site Inspections Conducted during the Audit. PCA Report, Section 7.3, Pg. 15. [Emphasis added].

Some permits did not include local limits as required by 40 CFR 403.8(f)(1)(iii)(B)(3). The 2010 PCI Report and 2014 PCA Report also noted where local limits were absent:

According to the 2010 inspection report, the iron limit in Calpine's permit was inconsistent with the limit established in Malaga's 2004 Ordinance. The iron limit in the permit was listed as 10 mg/L, but the 2004 Ordinance specified that the local limit for iron was 1 mg/L. Therefore, Malaga was required to revise Calpine's permit to include the iron limit established in its 2004 Ordinance. In response to this requirement, Malaga stated that the District legal counsel and Contract Engineer will review the limits identified in the 2004 Ordinance [sic] and the individual significant industrial user (SIU) permits. If exceptions to the 2004 Ordinance [sic] are not allowed, the necessary modifications to limits will be incorporated into the updated sewer use ordinance (SUO) [sic].

According to the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3), permits are required to include effluent limits. As a component of the 2014 PCA, the RockTenn CP, LLC (formerly Calpine Corrugated, LLC) permit was reviewed. The audit team determined that the effluent limit for iron is not included in the RockTenn permit. However, according to part 3.2 of the facility permit, RockTenn is required to collect a grab sample for iron in June from measurement location 001. Malaga is required to amend the RockTenn permit to include the effluent limits for parameters with which the facility is expected to comply. The permits must include the effluent limits in accordance with the federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(3). See section 7.5, pg. 16.

In addition, in 2010, Malaga removed the local limit for iron and several metals in all five significant industrial users (SIU): PPG, Rio Bravo, Air Products, Statas Foods, and Smurfit.

Malaga has been non-complaint with the requirement of 40 CFR 403.8(f)(1)(iii) since 2008, when Malaga first issued non-compliant permits.

c. Failure to obtain Board approval for modification of local limits as required by 40 CFR 403.18.

40 CFR 403.18 provides procedures for substantial modifications of POTW pretreatment programs. 40 CFR 403.18(b)(2) defines "substantial modifications" as:

(2) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of the section. Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users Identified by the POTW) may discharge pursuant to limits developed under §403.5(c). [Emphasis added].

40 CFR 403.18(c) outlines the approval procedures for substantial modifications. Specifically:

(1) the POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description, or such other documents the Approval Authority determines to be necessary under the circumstances.

(2) The Approval Authority shall approve or disapprove the modification based on the requirements of §403.8(f) and using the procedures in §403.11(b) through (f), except as provided in paragraphs (c) (3) and (4) of this section. The modification shall become effective upon approval by the Approval Authority. [Emphasis added].

Malaga relaxed or eliminated numerous local limits for its SIUs without obtaining approval from the Central Valley Water Board. For example:

- **2008 and 2009:** Malaga relaxed the local limit for iron from 1 ppm to 2 ppm for Air Products.
- **2009:** Malaga relaxed the local limit for Iron for Calpine from 1 ppm to 10 ppm.
- **2010:** Malaga removed the local limit for iron and several metals in all SIUs; PPG, Rio Bravo, Air Products, Statas Foods, and Smurfit.
- **2012:** Malaga changed the local limit for oil/grease from 100 mg/L to 200 mg/L for Statas (Stratas proceeded to violate the original limit in 2013).

Malaga violated the requirement of 40 CFR 403.18 in each of the instances identified above.

d. Failure to sample Significant Industrial Users once per year as required by 40 CFR 403.8(f)(2)(v).

40 CFR 403.8(f)(2)(v) requires Malaga to “[i]nspect and sample the effluent from each Significant Industrial User at least once a year.”

Malaga identified the following SIUs:

- **2008:** Kinder Morgan Energy, PPG, Rio Bravo, ADM, Air Products, Calpine, Wholesale Equipment of Fresno.
- **2009:** PPG, Rio Bravo, Air Products, Calpine, Statas Foods.
- **2010:** PPG, Rio Bravo, Air Products, Statas Foods, Smurfit.
- **2011:** PPG, Rio Bravo, Air Products, Statas Foods, Rock Tenn.

Malaga failed to sample its SIUs' effluent from 2008 to 2011 for all pollutants of concern. Malaga's representatives stated in the 2010 PCI and the 2014 PCA that the SIUs are regularly sampled for electrical conductivity (EC); however, Malaga did not have any data or reports to support this statement.

Malaga sampled its IUs in 2012. However, Malaga did not sample its SIUs to satisfy 40 CFR 403.8(f)(2)(v), but rather was required to conduct a Toxicity Reduction Evaluation (TRE) because Malaga exceeded its chronic toxicity limits in 2012. This exceedance triggered sampling of all IUs that discharge industrial waste to the WWTF per R5-2008-0033, VI.C.2.a. i. – iv. However, this data was not included in Malaga's 2012 Annual Pretreatment Report.

The Annual Pretreatment Reports require the sampling results to be included, but Malaga did not include any such data in its 2008-2012 Annual Pretreatment Reports. 40 CFR 403.8(f)(2)(v) provides an exception for the sampling requirement; however, Malaga's SIUs do not qualify for it.

Malaga violated the requirement of 40 CFR 403.8(f)(2)(v) from 2008-2011.

e. Failure to publish list of users in significant non-compliance as required by 40 CFR section 403.8 (f)(2)(viii).

40 CFR 403.8(f)(2) states:

(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(vii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard)

that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(G) Failure to accurately report noncompliance;
(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Malaga and its IUs have submitted laboratory reports, which identifies significant non-compliance as defined in 40 CFR 403.8(f)(2)(vii)(A)-(H) from at least one IU or SIU for the following years:

- **2009:** Fresno Truck Wash.
- **2010:** Fresno Truck Wash, Fifth Wheel.
- **2011:** Fresno Truck Wash.
- **2012:** Fresno Truck Wash, Fifth Wheel, ADM/Stratas, Kinder Morgan, Inland Star, GreenTec, Western State Glass.
- **2013:** Fresno Truck Wash, Fifth Wheel, ADM/Stratas, Inland Star, Moga, Western State Glass.

The requirement to publish a list of significant non-compliant users was triggered in each of these years, yet Malaga did not publish reports in these years as required by 40 CFR 403.8 (f)(2)(viii).

f. Failure to develop an enforcement response plan as required by 40 CFR 403.8(f)(5).

40 CFR 403.8(f)(5) states:

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:(i) Describe how the POTW will investigate instances of noncompliance;(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;(iii) Identify (by title) the official(s) responsible for each type of response;(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2). [Emphasis Added].

The 2004 Ordinance adopted by Malaga is silent regarding an enforcement response plan (ERP). The 2014 PCA Report noted that Malaga did not have an enforcement response plan in the 2004 Ordinance. Furthermore, the audit noted the deficiency in Malaga's draft 2013 Ordinance. Specifically, the 2014 PCA Report noted that:

The federal pretreatment regulations at 40 CFR 403.8(f)(5) require the District to develop and implement an ERP. This plan must contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance. During initial conversations with the District, the District representative was unsure if the District had implemented an ERP. During the audit, the EPA audit team had discussions with the District's Contract Engineer who stated that the District's ERP was a component in the District's 2013 draft sewer use ordinance. A cursory review of the District's 2013 draft sewer use ordinance determined that the ERP was located in section 3.08.010. This section states that the District shall develop and implement an ERP which should include a description of how the District will investigate noncompliance, describe escalating enforcement, identify officials responsible for each response, and adequately reflect the District's primary responsibility to enforce all applicable pretreatment requirements and standards. However, section 3.08.010 of the District's 2013 draft sewer use ordinance does not specifically identify how the District will investigate and respond to instances of industrial user noncompliance, or who is responsible for implementing the enforcement action. The District is required to develop and implement an ERP as stated at the federal regulations at 40 CFR 403.8(f)(5). PCA Report, Pg. 30. [Emphasis added].

Despite the audit, on 25 February 2014, Malaga adopted the 2014 Ordinance which does not contain an enforcement response plan. Specifically, the 2014 Ordinance states:

3.08.010 ENFORCEMENT RESPONSE PLAN.

In addition to all other enforcement procedures provided in this District Code, the District shall develop and implement an enforcement response plan (ERP). The ERP shall contain detailed procedures indicating how the District will investigate and respond to instances of industrial user noncompliance. The ERP may be adopted and amended by resolution of the Board of Directors and shall contain, at a minimum, the following:

1. A description of how the District will investigate instances of noncompliance;
 2. Describe the types of escalating enforcement responses the District will take in response to all anticipated types of Industrial User violations and the time periods within which response will take place;
 3. Identify (by title) the official(s) responsible for each type of response; and
 4. Adequately reflect the District's primary responsibility to enforce all applicable Pretreatment Requirements and Standards as detailed in 40 CFR 403.8(f)(1) and (f)(2).
- The ERP, as adopted and amended by Resolution of the Board of Directors, shall be incorporated by this reference into this District Code. [emphasis added].

By Malaga's letter of 2 April 2014 to the Central Valley Water Board, Malaga asserted:

As part of the process of adopting a new SUO, the District developed an ERP which was approved by resolution of the Board of Directors immediately following adoption of the new SUO. (A copy of the ERP is attached hereto as Exhibit I, and incorporated by this reference).

There are two incorrect statements made in Malaga's above statement. First, at the time the letter was sent, Malaga had not adopted an ERP. Second, no ERP was attached to the letter, as stated.

By Malaga's letter of 1 May 2014 to the Central Valley Water Board, Malaga provided an enforcement response plan to Central Valley Water Board staff.

Malaga violated the requirement of 40 CFR 403.8(f)(5) from 2008 thru 30 April 2014. Moreover, Malaga's 1 April 2014 letter misled the Central Valley Water Board staff and falsely stated that it had complied with this requirement.

g. Failure to evaluate whether a Slug control plan is needed as required by 40 CFR 403.8(f)(2)(vi).

40 CFR 403.8(f)(2)(vi) requires Malaga to:

(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User.

Per the 2010 PCI Report and 2014 PCA Report, Malaga has not done this evaluation. In October 2013, Malaga sent an evaluation to its SIUs regarding slug discharges; however, this evaluation was dependent on the SIUs volunteering of information. In addition, it was not performed within one year of Malaga designating the user as an SIU, and thus not in compliance with 40 CFR 403.8(f)(2)(vi).

Malaga violated the requirement of 40 CFR 403.8(f)(2)(vi) from 2008 to present.

2. Violation of Monitoring and Reporting Requirements

Malaga is required to comply with the Monitoring and Reporting requirements established in R5-2008-0033 - MRP (X)(D)(4). Central Valley Regional Water Board staff has determined that Malaga has violated these requirements by:

a. Failure to file adequate Annual Pretreatment Reports in violation of MRP (X)(D)(4) for the years 2008-2013.

R5-2008-0033 - MRP (X)(D)(4) [Pg. E-17] states:

The Discharger shall submit annually a report describing the Discharger's pretreatment activities over the previous 12 months. In the event that the Discharger is not in compliance with any conditions or requirements of this Order, including noncompliance with pretreatment audit/compliance inspection requirements, then the Discharger shall also include the reasons for noncompliance and state how and when the Discharger shall comply with such conditions and requirements. [Emphasis added].

R5-2008-0033 - MRP (X)(D)(4) specifies the following annual reporting requirements for Malaga's Pretreatment Program (Pg. E-17 thru E-20). Specifically:

Annual Pretreatment Reporting Requirements. The Discharger shall submit annually a report to the Regional Water Board, with copies to US EPA Region 9 and the State Water Board, describing the Discharger's pretreatment activities over the previous 12 months. In the event that the Discharger is not in compliance with any conditions or requirements of this Order, including noncompliance with pretreatment audit/compliance inspection requirements, then the Discharger shall also include the reasons for noncompliance and state how and when the Discharger shall comply with such conditions and requirements.

An annual report shall be submitted by **28 February** and include at least the following items:

- a. A summary of analytical results from representative, flow proportioned, 24-hour composite sampling of the POTW's influent and effluent for those pollutants EPA has identified under Section 307(a) of the CWA which are known or suspected to be discharged by industrial users.

Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent sampling and analysis. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period. Wastewater and sludge sampling and analysis shall be performed at least annually. The discharger shall also provide any influent, effluent or sludge monitoring data for non-priority pollutants which may be causing or contributing to Interference, Pass-Through or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto.

- b. A discussion of Upset, Interference, or Pass-Through incidents, if any, at the treatment plant, which the Discharger knows or suspects were caused by industrial users of the POTW. The discussion shall include the reasons why the incidents occurred, the corrective actions taken and, if known, the name and address of, the industrial user(s) responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent Pass-Through, Interference, or noncompliance with sludge disposal requirements.
- c. The cumulative number of industrial users that the Discharger has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.
- d. An updated list of the Discharger's industrial users including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The Discharger shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to federal categorical standards by specifying which set(s) of standards are applicable. The list shall indicate which categorical industries, or specific pollutants from each industry, are subject to local limitations that are more stringent than the federal categorical standards. The Discharger shall also list the non-categorical industrial users that are subject only to local discharge limitations. The Discharger shall characterize the compliance status through the year of record of each industrial user by employing the following descriptions:
 - i. complied with baseline monitoring report requirements (where applicable);
 - ii. consistently achieved compliance;

- iii. inconsistently achieved compliance;
- iv. significantly violated applicable pretreatment requirements as defined by 40 CFR 403.8(f)(2)(vii);
- v. complied with schedule to achieve compliance (include the date final compliance is required);
- vi. did not achieve compliance and not on a compliance schedule; and
- vii. compliance status unknown.

A report describing the compliance status of each industrial user characterized by the descriptions in items iii. through vii. above shall be submitted for each calendar quarter **within 21 days of the end of the quarter**. The report shall identify the specific compliance status of each such industrial user and shall also identify the compliance status of the POTW with regards to audit/pretreatment compliance inspection requirements. If none of the aforementioned conditions exist, at a minimum, a letter indicating that all industries are in compliance and no violations or changes to the pretreatment program have occurred during the quarter must be submitted. The information required in the fourth quarter report shall be included as part of the annual report. This quarterly reporting requirement shall commence upon issuance of this Order.

- e. A summary of the inspection and sampling activities conducted by the Discharger during the past year to gather information and data regarding the industrial users. The summary shall include:
 - i. the names and addresses of the industrial users subjected to surveillance and an explanation of whether they were inspected, sampled, or both and the frequency of these activities at each user; and
 - ii. the conclusions or results from the inspection or sampling of each industrial user.
- f. A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of the industrial users affected by the following actions:
 - i. Warning letters or notices of violation regarding the industrial users' apparent noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the federal categorical standards or local discharge limitations.
 - ii. Administrative orders regarding the industrial users noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
 - iii. Civil actions regarding the industrial users' noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
 - iv. Criminal actions regarding the industrial users noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.
 - v. Assessment of monetary penalties. For each industrial user identify the amount of the penalties.
 - vi. Restriction of flow to the POTW.
 - vii. Disconnection from discharge to the POTW.
- g. A description of any significant changes in operating the pretreatment program which differ from the information in the Discharger's approved Pretreatment Program including, but not limited to, changes concerning: the program's administrative structure, local

industrial discharge limitations, monitoring program or monitoring frequencies, legal authority or enforcement policy, funding mechanisms, resource requirements, or staffing levels.

- h. A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.

Malaga has consistently submitted deficient reports every year. The following are a few examples of Malaga's failure to satisfy the above requirement:

- Requirements 1.d. i-vii, and h. were not included in the 2008 - 2013 Annual Pretreatment Reports;
- Requirements 1. e. i-ii were not included in the 2008-2012 Annual Pretreatment Reports, and the information included in the 2013 Annual Pretreatment Report to satisfy the same requirement was incomplete.
- Requirement 1.e.ii: the 2008 Annual Pretreatment Report did not contain any sampling data conducted by either Malaga or the IUs.

The list of all reporting deficiencies from 2008 to 2013 is quite extensive. The Central Valley Water Board has not requested that Malaga submit revised reports, because Malaga does not possess the missing information per the 2010 PCI and the 2014 PCA Reports.

Malaga's pretreatment program was inspected in 2010 and numerous instances of noncompliance were identified. Malaga was informed of the deficiencies during the 2010 PCI and received the checklist identifying the deficiencies during the exit interview on that same date. Per R5-2008-0033 - MRP (X)(D)(4), Malaga is required to include "the reasons for noncompliance and state how and when the Discharger shall comply with such conditions and requirements." Malaga did not provide that information in its 2011 Annual Pretreatment Report. Similar deficiencies were noted in the 2014 PCA Report. Again, per R5-2008-0033 - MRP (X)(D)(4), Malaga was required to include in its next report, due 28 February 2014, why it was not in compliance and the plan for achieving compliance. Malaga did not do so.

Lastly, Malaga has never certified its Annual Pretreatment Reports with the required certification statement per the Federal Standard Provisions, Attachment D, Section V.B of Malaga's NPDES permit. Malaga violated R5-2008-0033 – Attachment D-Standard Provisions, Section V.B.1-4. from 2008 to 2013 by submitting incomplete Annual Pretreatment Reports to the Central Valley Water Board without certification.

Malaga has violated the requirements of R5-2008-0033 - MRP (X)(D)(4) from 2008 to present.

b. Failure to file adequate quarterly pretreatment reports in violation of MRP

(X)(D)(4)(d) for the quarters Q1-Q3 2008, Q1-Q3 2009,. Q1-Q3 2010, Q1-Q3 2011, Q1-Q3 2012, Q1-Q3 2013, and Q1-Q2 2014.

R5-2008-0033, MRP (X)(D)(4)(d) [p. E-18-19]: provides:

A report describing the compliance status of each industrial user characterized by the descriptions in items iii. through vii. above shall be submitted for each calendar quarter **within 21 days of the end of the quarter**. The report shall identify the specific compliance status of each such industrial user and shall also identify the compliance status of the POTW with regards to audit/pretreatment compliance inspection requirements. If none of the aforementioned conditions exist, at a minimum, a letter indicating that all industries are in compliance and no violations or changes to the pretreatment program have occurred during the quarter must be submitted. The information required in the fourth quarter report shall be included as part of the annual report. This quarterly reporting requirement shall commence upon issuance of this Order. Pg. E-18-19. [Emphasis added].

The Quarterly Pretreatment Reports submitted were all inadequate and Q1-Q2 2008, Q1-Q3- 2009, Q1-Q3 2010, Q1 and Q3 2011, Q2 2013, and Q1 -Q2 2014 reports were late (some up to 4 years past due).

With the exception of Fresno Truck Wash, Malaga's Quarterly Pretreatment Reports state that no IUs were in significant non-compliance. This is not true according to the data submitted by Malaga's IUs and by Malaga in its Annual and Quarterly Pretreatment Reports to the Central Valley Water Board. For example in 2012 and 2013, the data shows Malaga had IUs in significant non-compliance in all four quarters of 2012 and the first quarter of 2013. The IUs that were in significant non-compliance and not mentioned in the Quarterly Pretreatment Reports include Kinder Morgan, PPG, Western State Glass, Moga, GreenTec, and Inland Star. In addition, Malaga did not start reporting significant non-compliance for Fresno Truck Wash until the first quarter 2011. However, according to Administrative Complaint 2010-01 issued by Malaga to Fresno Truck Wash in 2010, Fresno Truck Wash had been in significant non-compliance since early 2009. Yet, Malaga did not start reporting Fresno Truck Wash in its Quarterly Pretreatment Reports until the first quarter 2011. The 2009 and 2010 Quarterly Pretreatment Reports erroneously state that all IUs were in compliance.

In addition, first and second quarter 2014 Quarterly Pretreatment Reports, which were due on April 21 and July 21, 2014, have not been submitted to the Central Valley Water Board, nor has a letter for either quarter been submitted by Malaga stating that a quarterly report was not needed. Malaga received notice of inadequate pretreatment reports in February 2010, April and July 2012, September 2013, January, February, and July 2014. Yet, to date, Malaga has not submitted its first and second Quarterly Pretreatment Reports for 2014.

Additionally, Malaga has never certified its Quarterly Pretreatment Reports with the required certification statement per the Federal Standard Provisions, Attachment D, Section V.B of Malaga's NPDES permit.

Malaga violated No R5-2008-0033, MRP (X)(D)(4)(d) from 2008 to 2013 by submitting incomplete reports to the Central Valley Water Board without certification.

3. Violation of Cease and Desist Order R5-2008-0032

CDO R5-2008-0032 Ordered item 3.a. required Malaga, by 13 June 2008, to:

Submit the results of a study evaluating the WWTF treatment and disposal capacity and proposing a work plan and time schedule to implement short-term and long-term measures to ensure compliance with waste discharge requirements. Study results shall include evaluations of, but not limited to, short-term measures necessary to comply with Order No. R5-2008-0033, implementation of appropriate ongoing operations and maintenance, and long-term measures to meet WWTF treatment and disposal needs through at least 2028. The time schedule for short-term measures shall not exceed **14 March 2011**. The technical report shall include actions to generate appropriate population and WWTF flow projections and their rationale.

On 24 July 2008, Malaga submitted a work plan for completing the disposal capacity evaluation. On 24 September 2009, Central Valley Water Board staff informed Malaga that the work plan was inadequate and requested a revised work plan by 27 October 2009.

In April 2011, Central Valley Water Board staff called Malaga's Consulting Engineer and informed him that the report was past due. On 29 April 2011, Malaga submitted a report, which included short-term measures, but not long-term measures or a revised work plan. In addition, the cover letter for this report incorrectly stated that Malaga had not received a response to the work plan submitted on 24 July 2008.

On 12 April 2012, Central Valley Water Board staff issued an NOV identifying the report as delinquent.

On 19 August 2013, Central Valley Water Board staff sent Malaga a letter again requesting, in part, technical information regarding disposal capacity with an administrative date of 3 October 2013.

On 10 October 2013, Central Valley Water Board staff called Malaga's Board President requesting an update on the response that was due by 3 October 2013. The President indicated that Malaga was in possession of a memorandum from its consulting engineer that addressed four of the five items requested by Central Valley Water Board staff in the 19 August 2013 letter. The President offered to send Water Board staff the memorandum while the Discharger worked on its response.

On 10 October 2013, Central Valley Water Board staff received the memorandum, which was essentially a memorandum from Malaga's consulting engineer to Malaga requesting additional information to prepare a response to

Central Valley Water Board's letter.

On 21 October 2013, Central Valley Water Board staff sent Malaga's General Manager an email to again inquire on the status of Malaga's response. On 22 and 24 October 2013 Malaga's General Manager e-mailed Central Valley Water Board staff stating Malaga would send a response soon.

On 29 October 2013, Malaga finally submitted a response, 26 days past the administrative deadline and incomplete. Of the five items listed in the Central Valley Water Board 19 August 2013 letter, Malaga only fully addressed one. The other items only included vague information, whereas the Central Valley Water Board letter requested information on specific actions Malaga had completed. The response did not contain the needed technical information regarding disposal capacity.

Malaga violated CDO R5-2008-0032 from 24 September 2009, the date of Central Valley Water Board's letter informing Malaga that it had not submitted a complete report, to present. The unavailability of this information has hindered Central Valley Water Board staff in assessing current disposal capacity for the renewal of Malaga's NPDES permit.

Conclusion

The Central Valley Water Board plans to pursue formal enforcement regarding the above violations. Central Valley Water Board staff invites a response by **2 September 2014** if Malaga would like to discuss resolution of these matters. For questions regarding this NOV, contact Jill Walsh at (559) 445-5130 or jill.walsh@Waterboards.ca.gov.



Clay Rodgers
Assistant Executive Officer

cc: Amelia Whitson, USEPA Region IX, WTR-7, San Francisco
Ken Greenberg, USEPA Region IX, WTR-7, San Francisco
Charles E. Garabedian, Jr. President, Malaga CWD
Michael Taylor, Provost and Pritchard, Fresno
Neal Costanzo, Costanzo & Associates, Fresno
James M. Ralph, Staff Counsel, Office of Enforcement, SWRCB
Naomi Kaplowitz, Staff Counsel, Office of Enforcement, SWRCB

Attachment B.3

The District's Response to the SNOV

[TO BE PRINTED ON MALAGA CWD LETTERHEAD]

Clay Rogers, Assistant Executive Officer
Central Valley Regional Water
Quality Control Board
1685 E Street
Fresno, CA 93706

Re: Supplemental Notice of Violation

Dear Mr. Rogers:

This letter is submitted by the Board of Directors of the Malaga County Water District ("District") to the Central Valley Regional Water Control Board ("Board") in advance of the September 26, 2014, meeting to discuss a Resolution of the Supplemental Notice of Violation ("SNOV") dated August 18, 2014. The District is encouraged by recent communications between the District and Board committing to a future of better communication and cooperation between the Board and District. The District is optimistic that the Board and District can come to an agreement relating to the SNOV that is focused on the future rather than unnecessarily expending resources looking backward.

When the District received a Notice of Violation from the Board dated September 6, 2013, the District immediately began a complete review of its Pretreatment Program and publicly-owned treatment works operations. Since then, the District's Board of Directors has been committed to taking all steps necessary not only to achieve full compliance but also to create a model Pretreatment Program. One of the first actions taken by the Board of Directors was to direct staff to complete a codified Ordinance Code. A draft of the proposed Code was submitted to the Board for review on or about December 2, 2013. No comments were received from the Board and on February 25, 2014, the codified Ordinance Code was adopted by Ordinance No. 2013-001. On that same date, the District also adopted an updated Enforcement Response Plan. Next, the District turned its focus to completing a comprehensive review and update of its Pretreatment Program. A draft of the revised Pretreatment Program is submitted separately. As part of the Pretreatment Program review, the District has also begun a local limits study. The District anticipates adopting the new Pretreatment Program along with associated revisions to its Ordinance Code on December 9, 2014, with implantation of local limits, as necessary thereafter.

In addition to updating the District's Pretreatment Program, the District has also made changes to its organizational structure to assist in the Pretreatment Program review and update and enable the District to perform a complete survey of

all its industrial users. That review is currently in progress and is expected to be completed in October of 2014. The information gathered by the review will assist in and be used to aid the District in completing its local limits study referred to above. The District has also made a number of organizational changes to improve its Pretreatment Program and POTW operations. The organizational changes include a new General Manager who has a Grade 4 Sewer Treatment Certificate and serves as the District's Wastewater Treatment Facility's Chief Operator and the Authorized Official of the District; an additional Grade 2 Operator, an Operator in training, a Pretreatment Program Consultant (with a Grade 5 Certificate), and a full time Environmental Compliance Officer. The District has also purchased and had installed new computer hardware, software, and a wireless network to improve the District's internal processes and communications. The District is confident that it has the staffing and equipment necessary to operate in full compliance with its NPDGS permit.

Today, the District is focused and well positioned for the future. Once the Pretreatment Program update, Ordinance revision, and Local Limits Study is complete, the District will eliminate any issues the Board may have had relating to monitoring and reporting compliance. Since the District received the Supplemental Notice of Violation dated August 18, 2014, the District has received from the Board and commented on a Preliminary Draft Discharge Order and a Preliminary Draft Cease and Desist Order ("Orders"). These Orders will require the District to make certain improvements to obtain full compliance with the Orders within five (5) years as set forth in the District's Infeasibility Report including the requirement of developing four (4) replacement monitoring wells. It is estimated that these improvements will cost no less than \$650,000.00. The District is encouraged by the current spirit of cooperation between the Board and the District and in an effort to focus on the future, the District proposes that the District and the Board work together to draft a compliance schedule and/or Order which will include the adoption and implementation of the proposed Pretreatment Program, Ordinance revisions, completion and implementation of the Local Limits Study and replacement of the monitoring wells and/or other compliance projects in an amount of not less than \$650,000.00 to the satisfaction of both the District and the Board. The District believes that this is a better alternative than pursuing formal enforcement which will require the unnecessary expenditure of public funds by both the District and Board over a long period of time which, if it has any effect on the District's compliance with the Orders, would be to impair or delay the District's progress as it would shift the focus of the Board and District on the past rather than the future.

In the event that the District and Board cannot agree on a resolution of the SNOV, then the District responds to the alleged violations as set forth in the SNOV dated August 18, 2014, as follows:

The District had requested that the Board provide authority for the Board's proposed penalty. The SNOV provides no such authority. The Board, through the SNOV, appears to be searching for any potential penalty to impose against the District for some reason other than gaining compliance. As set forth below and to the extent that the District can understand the purported violations set forth in the SNOV, it appears that most, if not all, of the items appear to be the result of poor communication between the Board and District rather than a violation. At this time, the District appears to be in compliance with each of the items listed or has already taken the steps necessary to be in full compliance in the very near future. The District not only believes that the Board lacks the authority to impose any penalties, but that the proposed penalties at this point would not result in the furtherance of compliance or any other legitimate purpose but would serve only to punish the residents of Malaga, which is a disadvantaged community.

1a. Failure to adopt adequate legal authority, as required by 40 CFR 403.8(f)(1).

This allegation alleges that "the District has been non-compliant with requirement of 40 CFR 403.8(f)(1)(iv) from 14, March, 2008, when Order No.R5-2008-0033 was issued to present." The Notice of Violation alleges that the "inadequacy" was discovered as part of a pretreatment compliance inspection performed on February 18, 2010, and that the District was informed of the requirement as part of an informal exit interview. It was the District's understanding at that time that an official report would soon follow the February 2010 inspection. That report appeared to be contained in a report and Notice of Violation received by the District dated September 6, 2013. The Supplemental Notice of Violation provides excerpts from Section 403.8(f) with the following portions underlined: "This legal authority shall enable the POTW to: [(IV) require (a) the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements."

With regard to the allegation that the District's Ordinance No. 01-13-2004 does not enable the District to require the development of a compliant schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements, the 2004 Ordinance which used permits as its primary control mechanism, authorized the District to include, in those permits, any conditions as deemed necessary for the District to enforce any applicable regulation including the Act. It appears that during the time period in question,¹ permits issued by the District contained the authority to issue orders necessary to

¹ It should be noted that the period of time that elapsed between the February 2010 inspection and the September 2013 PCI Summary Report was approximately forty three (43) months which exceeds the retention period for most of the District's records related to its NPDES permit which is three (3) years.

gain compliance as required by 40 CFR 403.8 (f)(1)(iv). Therefore, there does not appear to be a violation of the requirement as set forth in the SNOV.

As noted in the SNOV, the District did, on February 25, 2014, adopt a new codified Ordinance Code. The Ordinance Code was adopted by Ordinance No. 2013-1 which, contrary to the inflammatory allegation that the Ordinance was misleadingly numbered, was correctly numbered Ordinance No. 2013-1 as it was the first ordinance of the District in 2013 and was delivered to the Board for review on or about December 2, 2013. The numbering of the Ordinance was, of course, irrelevant as the only relevant factor is the effective date of the Ordinance which was February 25, 2014. The numbering of the ordinance is no more misleading than the Board's reference to the 2010 PCI Report which, of course, was not delivered to the District until September 2013. The District's Ordinance Code adopted on February 25, 2014, expressly contained provisions for the issuance of compliance orders. (Malaga Code Section 1.07.020 (B)(6).) Clearly, the assertion that the Malaga Code, as effective on February 25, 2014, did not contain the required provision is incorrect. Furthermore, on February 25, 2014, the District also adopted an Enforcement Response Plan which contains the legal authority for and express provisions to issue compliance schedules and compliance orders.

The SNOV does not identify what, if any, statute would enable the Board to impose a penalty against the District if there were a violation of Section 403.8(f)(1). Water Code Section 13385(a)(6) provides a catch-all violation of Section 13385 for what the District believes is an alleged violation of Section VI (C)(5)(a)(ii) of Order No. R5-2008-0033("NPDES") which requires the District to perform the Pretreatment functions required by 40 CFR (Part 403). This type of catch-all provision is over broad and does not provide the Board with the authority to penalize the District for any conceivable violation of any condition contained in or incorporated into its NPDES Permit. Furthermore, assuming that the Board is not estopped from imposing a penalty by virtue of not completing and delivering the 2010 PCR Report to the District until September of 2013, or otherwise, then a penalty would still not be appropriate as the alleged violation did not result in any discharge; a penalty would not result in correcting or gaining compliance with 40 CFR 403.8(f)(1)(iv) as the District is currently in compliance with that Section; and when the nature, circumstances, extent, and gravity of the alleged violation is taken into account, a penalty would not be warranted.

1b. Failure to Adopt adequate permits, as required by 40 CFR 403.8(f)(1)(iii)(B).

The SNOV alleges that the District violated 40 CFR 403.8(f)(1)(iii)(B) by failing to adopt adequate permits. The SNOV further alleges that Malaga's Industrial User Permits do not satisfy the aforementioned requirements because they do not include Local Limits and/or relevant sampling requirements. Regarding the sampling requirements, as noted in the SNOV, after the 2010 PCI, the District added sample

types and sample locations to its IU permits. At that time, the District believed that the Board's concerns related to the sampling requirements in the Permits had been satisfied. Again, as referenced above, the District did not receive a formal report on the February 2010 PCI until September of 2013. Since receiving the September 6, 2013, Notice of Violation, the District has revised its IU permits and submitted copies of those permits to the Board.² The District is currently in compliance with 40 CFR 403.8(f)(1)(iii)(B)(4) related to the District's Permits identifying sample locations and indicating sample type for all pollutants.

Regarding the allegation that the District's Permits did not include local limits as required by 40 CFR 403.8(f)(1)(iii)(B)(3), the District's Permits have, and do, contain specific discharge prohibitions. It is the District's understanding that a Permit need only contain Local Limits if it is determined by the District that Local Limits are required. The allegations are confusing in that they allege the District did not have local limits, as required, and also that the District changed local limits. The District's Ordinance contains "general guidelines for various characteristics," rather than specific local limitations. (Ordinance No. 01-13-2004 Section 2.4.03, Table 1.) As stated above, the District submitted revised standard permit conditions to the Board and believed that the issue had been fully addressed. The District is currently in the process of conducting a complete survey and review of all of its Industrial Users and will use the data collected to complete a comprehensive Local Limits Study. For the reasons set forth above, the District does not believe that the allegations set forth in Item 1b of the SNOV are a violation or subject to a penalty. Even if the allegations could be interpreted as a violation subject to a penalty and assuming that the Board is not estopped from imposing a penalty, then it is the District's contention that a penalty would not be appropriate given the nature, circumstances, extent and gravity of the alleged violation which, if not already addressed, will be addressed as part the District's new Pretreatment Program and Local Limits Study.

1c. Failure to obtain Board approval to modify Local Limits, as required by 40 CFR 403.18.

As stated in item 1b as related to Local Limits, the District believes that the Board has misinterpreted the District's Ordinance as meaning the District has adopted specific Local Limits. The alleged changes or "relaxed" Local Limits were not changes but rather adjustments made to Permits within the applicable limits tailored to the operations of the SIUs and, in at least one case, appeared to be a typographical error. The District believes that these changes were not changes in Local Limits within the meaning of 40 CFR 403.8(b)(2) as alleged and not a violation subject to penalty. Furthermore, for the reasons set forth above, even if the allegations set forth in item 1c could be interpreted as a violation, the District does

² A copy of the revised Permit conditions were delivered to the Board along with the draft Ordinance on or about December 2, 2013.

not believe that a penalty can or should be assessed based on the totality of the circumstances.

1d. Failure to sample Significant Industrial Users once per year, as required by 40 CFR 403.8(f)(2)(v).

The District has not had an opportunity to fully investigate the allegations set forth in item 1d. The District did conduct sampling but has not undertaken to review the records for the time period set forth in item 1d. It should be noted that due to the passage of time, some of the documents and other information related to the allegations no longer exist and the personnel with knowledge of the relevant facts no longer work for the District.

Again, as set forth above, the District does not believe that this is a violation subject to any penalty. Even if the allegations in item 1d could be interpreted as a violation, the District does not believe that any such violation can or should be subject to a penalty given that the alleged violation did not result in a discharge and the totality of the circumstances.

1e. Failure to publish list of Users in significant non-compliance as required by 40 CFR 403.8(f)(2)(viii).

This item alleges that the District failed to publish notices of all Users in significant non-compliance between 2009 and 2013. The District did publish a list of Users in significant non-compliance, however, the District has not undertaken to review all the records (see, Item 1d above) related to the allegation set forth in this item.

The District has revised its procedures to ensure that the District publishes a list all Users in significant non-compliance as required by 40 CFR 403.8(f)(2)(viii). Accordingly, as set forth above, the District does not believe that the imposition of a penalty is warranted.

1f. Failure to develop an Enforcement Response Plan as required by 40 CFR 403.8(f)(5).

This item contains allegations that show the Board is clearly biased toward the District. The Board alleges that the District "misled the Central Valley Water Board staff and falsely stated that it had complied with this requirement." This allegation is in reference to a letter sent from the District to the Board on April 1, 2014, or April 2, 2014, wherein the District provides the Board with a copy of the District's Enforcement Response Plan which was adopted on February 25, 2014. The Board maintains that the ERP was not adopted on February 25, 2014. The Board provides no evidence

to support this allegation and cannot provide any evidence to support this allegation as the adoption of the ERP on February 25, 2014, is a matter of public record.

Regarding the allegation that the District did not have an Enforcement Response Plan prior to the adoption of the Enforcement Response Plan in conjunction with the adoption of its codified Ordinance Code, the District had in place legal authority and policies and procedures for the enforcement of its Ordinance, permits, and Sewer System Management Plan which the District believes satisfied the requirements of 403.8(f)(5) and, therefore, there is no violation.

As stated above, the District is currently in compliance with the requirements of 40 CFR 403.8(f)(5). Even if the allegations contained in item 1f could be construed as some technical violation, it would be a violation that did not result in a discharge and, given the totality of the circumstances, would not be subject to and would not warrant any penalty.

1g. Failure to evaluate when a SLUG control plan is needed as required by 40 CFR 403.8(f)(2)(vi).

The District has not yet conducted a full review of this item, however, the District did conduct an inspection and review of each SIU prior to issuing an initial Permit to determine whether the SIU needed to develop and implement a SLUG Discharge Control Plan. Furthermore, the District, prior to renewing SIU Permits, conducted a review to determine whether or not the User would be required to develop or update a SLUG Discharge Control Plan. These reviews may not have been documented in the SIU's permit, however, that item has been addressed in the 2013 Annual Pretreatment Report and the revised Permits which were submitted to the Board. Based on the foregoing and for the reasons set forth above, the District does not believe there is a violation or that any penalty is authorized in relation to this item.

Item 2 violation of monitoring and reporting requirements.

2a. Failure to file adequate annual pretreatment reports in violation of MRP (X)(D)(4) for the years 2008-2013.

This item essentially alleges that Malaga submitted Annual Pretreatment Reports for the years 2008-2013 that did not include various requirements and allege "Malaga has consistently submitted deficient reports every year." This, of course, raises the question why the Board did not notify Malaga in 2009 that its 2008 Annual Report was "inadequate"? Had the Board done so, the District would have had the opportunity to correct the 2008 report and avoid any "inadequacies" in its 2009 through 2013 Annual Reports. As part of the District's Pretreatment Program review and update, the District has developed a new Annual Pretreatment Report template which should address all of the Board's concerns. The District cannot determine from the SNOV what, if any, penalty the Board proposes to impose for the alleged

violation(s). However, given the fact that the District has taken corrective action to ensure that its Annual Reports for 2014 and in to the future will comply with all of the requirements of the District's NPDES, there was no discharge, and given the totality of the circumstances including the passage of time which has resulted in most, if not all, of the documents and personnel necessary to revise or certify the reports are no longer available, a penalty cannot and should not be assessed.

2b. Failure to file adequate Pretreatment Reports in violation of NRP(x)(D)(4)(d) for the quarters Q1-Q3 2008, Q1-Q3 2009, Q1-Q3 2010, Q1-Q3 2011, Q1-Q3 2012, Q1-Q3 2013, and Q1-Q2 2014.

Malaga has addressed its procedures for the submission of quarterly reports which should be reflected in the District's Q3-2014 Report which will be prepared, reviewed, and signed with the required certification by the District's Authorized Official. The District looks forward to the Board's review and assessment of this quarterly report. Clearly the District has taken the steps necessary to correct any concerns of the Board and, therefore, believes the assessment of any penalty is not authorized and would be unnecessary and counterproductive.

Item 3; Violation of Cease and Desist Order R-2008-0032.

This item relates the District's disposal capacity evaluation. The District's Consulting Engineer prepared a response to the Board's Order which he believed fully complied with the Board's Order. The District understands the Boards necessity for the information requested and shares many of the same concerns related to the District's capacity as the Board. In response to this concern the District, in order to provide the most accurate and up to date information available, has developed and implemented a new Pond Maintenance Program which will require the District to obtain new data. The District has already begun to accumulate this data and if requested, can transmit this data to the Board on a monthly basis. Thereafter, the District intends to prepare new short and long term evaluations on the District's disposable capacity. Therefore, a penalty for this item is not authorized and would be unnecessary and counterproductive.

Respectfully submitted,

Date: _____, 2014

Charles Garabedian, Jr.
President of the Board of Directors
Malaga County Water District