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GOVERNOR

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**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).

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KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

- 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](mailto:jill.walsh@waterboards.ca.gov) or Warren Gross at (559) 445-5128 or [warren.gross@waterboards.ca.gov](mailto:warren.gross@waterboards.ca.gov).



Clay Rodgers  
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