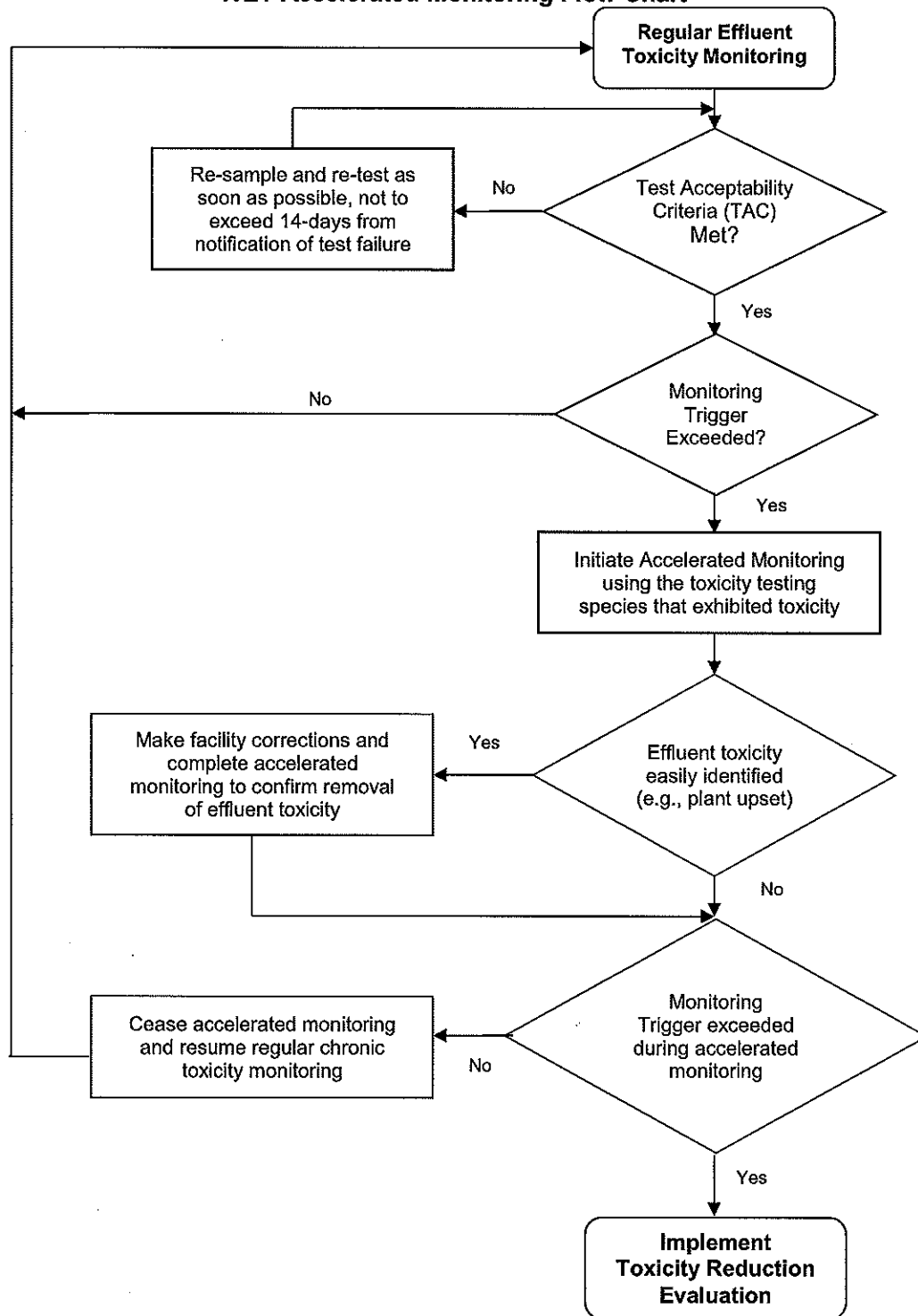


Figure F-1
WET Accelerated Monitoring Flow Chart



- b. **Request for Increase in Flow.** This Order includes an effluent limitation for flow at Discharge Point 002 (disposal ponds) that is lower than the effluent limitation for flow at Discharge Point 002 in previous Order R5-2008-0033. The lower flow limitation is based on information provided by the Discharger, which indicates the ponds have a lower disposal capacity than 0.85 mgd (see Section II.B.3 of this Fact Sheet for further details). This Order allows the Discharger to request an increase in flow to Discharge Point 002, up to 0.85 mgd, if it provides necessary information and conducts necessary and ongoing maintenance work to the ponds to improve disposal capacity.

3. Best Management Practices and Pollution Prevention

- a. **Salinity Evaluation and Minimization Plan.** An Evaluation and Minimization Plan for salinity is required in this Order to ensure adequate measures are developed and implemented by the Discharger to reduce the discharge of salinity to Central Canal.

4. Construction, Operation, and Maintenance Specifications

- a. The operation and maintenance specifications for this Facility are necessary to prevent nuisance conditions. Most of the specifications included in this Order are retained from Order R5-2008-0033.
- b. **Filtration System Operating Specifications.** Operational specifications for turbidity are included as an indicator of the effectiveness of the treatment process and to ensure compliance with effluent limitations for total coliform. The tertiary treatment process at the Facility is capable of reliably meeting a turbidity lower than 2 NTU. Failure of the treatment system such that virus removal is impaired would normally result in increased particles in the effluent, which can result in higher effluent turbidity. Turbidity has a major advantage for monitoring filter performance, allowing immediate detection of filter failure, and rapid corrective action. The operational specifications for turbidity included in this Order are specified in Title 22, CCR, section 60301.320 and 60304.
- c. **Ultraviolet Light (UV) Disinfection System Operating Specifications.** This Order requires that wastewater discharged to Discharge Point 001 shall be oxidized, coagulated, filtered, and adequately disinfected consistent with the CDPH reclamation criteria, CCR, Title 22, division 4, chapter 3, (Title 22), or equivalent. To ensure that the UV disinfection system is operated to achieve the required pathogen removal, this Order includes effluent limitations for total coliform, filtration system operating specifications, and UV Disinfection System operating specifications. Compliance with total coliform effluent limitations alone does not ensure that pathogens in the municipal wastewater have been deactivated by the UV disinfection system. Compliance with the effluent limitations and the filtration system and UV disinfection operating specifications demonstrates compliance with the equivalency to Title 22 disinfection requirement.

5. Special Provisions for Municipal Facilities (POTWs Only)

- a. **Pretreatment Requirements.**
 - i. The federal CWA section 307(b), and federal regulations, 40 CFR Part 403, require publicly owned treatment works to develop an acceptable industrial pretreatment program. A pretreatment program is required to prevent the introduction of pollutants, which will interfere with treatment plant operations or sludge disposal, and prevent pass through of pollutants that exceed water quality objectives, standards or permit limitations. Pretreatment requirements are imposed pursuant to 40 CFR Part 403.
 - ii. The Discharger shall implement and enforce its approved pretreatment program and is an enforceable condition of this Order. If the Discharger fails to perform the

pretreatment functions, the Central Valley Water Board, the State Water Board or U.S. EPA may take enforcement actions against the Discharger as authorized by the CWA.

- b. **Biosolids.** The sludge/biosolids provision is required to ensure compliance with State disposal requirements (Title 27, CCR, division 2, subdivision 1, section 20005, et seq.) and U.S. EPA sludge/biosolids use and disposal requirements at 40 CFR Part 503.
- c. **Collection System.** The State Water Board issued General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order 2006-0003-DWQ (General Order) on 2 May 2006. The General Order requires public agencies that own or operate sanitary sewer systems with greater than one mile of pipes or sewer lines to enroll for coverage under the General Order. The General Order requires agencies to develop sanitary sewer management plans (SSMPs) and report all sanitary sewer overflows (SSOs), among other requirements and prohibitions.

Furthermore, the General Order contains requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. The Discharger is enrolled under the General Order.

- d. **Anaerobically Digestible Material.** Managers of POTWs increasingly are considering the addition of organic material such as food waste, fats, oils and grease (FOG) into their anaerobic digesters for co-digestion. Benefits of accepting these materials include increasing the volume of methane and other biogases available for energy production and ensuring such materials are disposed of at the POTW instead of discharged into the collection system potentially causing sanitary sewer overflows. The State Water Board has been working with the California Department of Resources Recycling and Recovery (CalRecycle), the California Department of Food and Agriculture (CDFA), and the California Association of Sanitation Agencies (CASA) to delineate jurisdictional authority for the receipt of hauled-in anaerobically digestible material (ADM) at POTWs for co-digestion.

CalRecycle is proposing an exclusion from Process Facility/Transfer Station permits for direct injection of ADM to POTW anaerobic digesters for co-digestion that are regulated under waste discharge requirements or NPDES permits. The proposed CalRecycle exclusion is restricted to ADM that has been prescreened, slurried, and processed/conveyed in a closed system to be co-digested with regular POTW sludge. The CalRecycle exclusion assumes that a POTW has developed Standard Operating Procedures (SOPs) for the proper handling, processing, tracking, and management of the ADM received.

The Discharger currently does not accept hauled-in ADM for direct injection into its anaerobic digesters for co-digestion because it does not have anaerobic digesters. However, if the Discharger proposes to receive hauled-in ADM for injection into its anaerobic digester for co-digestion if it ever switches to anaerobic digestion, this provision requires the Discharger to notify the Central Valley Water Board and develop and implement SOPs for this activity prior to initiation of the hauling. The requirements of the SOPs are discussed in the provision.

6. Other Special Provisions

- a. Consistent with Order R5-2008-0033, this Order requires wastewater to be oxidized, coagulated, filtered, and adequately disinfected consistent with CDPH reclamation criteria at Title 22, CCR, division 4, chapter 3, or equivalent.

- b. Consistent with a letter from Fresno Irrigation District to the Central Valley Water Board, dated 25 June 2014, this Order requires the Discharger to cease discharging to Central Canal during months when there are no irrigation water deliveries, beginning at the expiration date of this Order. The Discharger shall not discharge to Central Canal when dilution is less than 20:1. Between the effective and expiration dates of this Order, the Discharger may discharge to Central Canal, in accordance with Limitation IV.A.1.a. Beginning on **<permit expiration date>**, the Discharger shall work with Fresno Irrigation District personnel each year to determine when the irrigation water delivery period begins and ends, and shall provide that information to the Central Valley Water Board.
- c. This Order does not automatically grant the Discharger rights to discharge to Central Canal. The Discharger shall work with Fresno Irrigation District, or any subsequent owner or operator of Central Canal, to ensure the discharge to Central Canal is allowed.
- d. This Order requires the Discharger to maintain a copy of its operations and maintenance manual onsite (at the Facility) and update the manual periodically, as necessary.

7. Compliance Schedules – Not Applicable

VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

CWA section 308 and 40 CFR sections 122.41(h), (j)-(l), 122.4(i), and 122.48 require that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Central Valley Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring, reporting, and recordkeeping requirements that implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this Facility.

A. Influent Monitoring

1. Influent monitoring is required to collect data on the characteristics of the wastewater and to assess compliance with effluent limitations (e.g., BOD₅ and TSS reduction requirements). The monitoring frequencies for flow, BOD, and TSS (1/week) have been retained from Order R5-2008-0033.
2. This Order includes new monitoring requirements at the influent location for EC, pH, and oil and grease. The new monitoring is required to determine influent characteristics and assist, partly, in assessing if the Discharger is properly implementing its pretreatment program.

B. Effluent Monitoring

1. Pursuant to the requirements of 40 CFR 122.44(i)(2), effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the treatment process, and to assess the impacts of the discharge on the receiving stream and groundwater.
2. Effluent monitoring frequencies and sample types for flow (continuous), BOD (weekly), TSS (weekly), pH (daily), copper (monthly), cyanide (monthly), aluminum (monthly), ammonia as N (monthly), boron (monthly), chloride (monthly), electrical conductivity (monthly), nitrate plus nitrite as N (monthly), total coliform (weekly), and total dissolved solids (monthly) have been retained from Order R5-2008-00033 to determine compliance with effluent limitations for these parameters.
3. Monitoring data collected over the previous permit term for bromoform, chlorodibromomethane, dichlorobromomethane, diazinon, phosphorus, settleable solids, total chlorine residual, and turbidity did not demonstrate reasonable potential to exceed water quality objectives/criteria. Thus, specific monitoring requirements for these

parameters have not been retained from Order R5-2008-0033. This Order includes monitoring for priority pollutants, which include bromoform, chlorodibromomethane, and dichlorobromomethane.

4. The SIP states that if "...all reported detection limits of the pollutant in the effluent are greater than or equal to the C [water quality criterion or objective] value, the RWQCB [Regional Water Board] shall establish interim requirements...that require additional monitoring for the pollutant..." This Order requires annual priority pollutant monitoring.
5. Water Code section 13176(a), states: "*The analysis of any material required by [Water Code sections 13000-16104] shall be performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code.*" The State Water Board certifies laboratories through its Environmental Laboratory Accreditation Program (ELAP).

Water Code section 13176 cannot be interpreted in a manner that would violate federal holding time requirements that apply to NPDES permits pursuant to the CWA. (Water Code sections 13370(c), 13372, 13377.) Section 13176 is inapplicable to NPDES permits to the extent it is inconsistent with CWA requirements. (Water Code section 13372(a)) The holding time requirements are 15 minutes for chlorine residual, dissolved oxygen, and pH, and immediate analysis is required for temperature. (40 CFR 136.3(e), Table II) Due to the location of the Facility, it is both legally and factually impossible for the Discharger to comply with Water Code section 13176 for constituents with short holding times.

C. Whole Effluent Toxicity Testing Requirements

1. **Acute Toxicity.** Semi-annual 96-hour bioassay testing is required to demonstrate compliance with the effluent limitations for acute toxicity.
2. **Chronic Toxicity.** Quarterly chronic whole effluent toxicity testing is required in order to demonstrate compliance with the Basin Plan's narrative toxicity objective and this Order's narrative effluent limitation for chronic toxicity.

D. Receiving Water Monitoring

1. Surface Water

- a. Receiving water monitoring is necessary to assess compliance with receiving water limitations and to assess the impacts of the discharge on the receiving stream.

2. Groundwater

- a. Water Code section 13267 states, in part, "*(a) A regional board, in establishing... waste discharge requirements... may investigate the quality of any waters of the state within its region*" and "*(b) (1) In conducting an investigation..., the regional board may require that any person who... discharges... waste... that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*" The Monitoring and Reporting Program (Attachment E) is issued pursuant to Water Code section 13267. The groundwater monitoring and reporting program required by this Order and the Monitoring and Reporting Program are necessary to ensure compliance with this Order. The Discharger is responsible for the discharges of waste at the Facility subject to this Order.

- b. Monitoring of the groundwater must be conducted to determine the extent to which the discharge has caused an increase in constituent concentrations, when compared to background, and to evaluate whether the discharge has caused exceedances of water quality objectives. The monitoring must, at a minimum, require a complete assessment of groundwater impacts including the vertical and lateral extent of degradation, an assessment of all wastewater-related constituents which may have migrated to groundwater, an analysis of whether additional or different methods of treatment or control of the discharge are necessary to provide best practicable treatment or control to comply with Resolution 68-16. Economic analysis is only one of many factors considered in determining best practicable treatment or control. If monitoring indicates that the discharge has incrementally increased constituent concentrations in groundwater above criteria, this Order may be reopened and modified. Additionally, the groundwater monitoring data will enable the Central Valley Water Board staff to determine if the onsite disposal ponds are subject to or exempt from Title 27 requirements.
- c. This Order requires the Discharger to continue groundwater monitoring and includes a regular schedule of groundwater monitoring in the attached Monitoring and Reporting Program. The groundwater monitoring reports are necessary to evaluate impacts to waters of the State to assure protection of beneficial uses and compliance with Central Valley Water Board plans and policies, including Resolution 68-16. Evidence in the record includes effluent monitoring data that indicates the presence of constituents that may degrade groundwater and surface water.

E. Other Monitoring Requirements

1. Biosolids Monitoring

Biosolids monitoring is required to ensure compliance with the biosolids disposal requirements contained in the Special Provision VI.C.5.b of this Order. Biosolids disposal requirements are imposed pursuant to 40 CFR Part 503 to protect public health and prevent groundwater degradation.

2. Water Supply Monitoring

Water supply monitoring is required to evaluate the source of constituents in the wastewater, and assess compliance with the electrical conductivity effluent limitations.

3. UV Disinfection System Monitoring

UV disinfection system monitoring and reporting are required to ensure that the UV system is operated to adequately inactivate pathogens in the wastewater. UV disinfection system monitoring is imposed to achieve equivalency to requirements established by the CDPH, and the National Water Research Institute (NWRI), and American Water Works Association Research Foundation NWRI/AWWARF's *"Ultraviolet Disinfection Guidelines for Drinking Water and Water Reuse."*

4. Pond Monitoring

Disposal pond monitoring is required to ensure proper operation of the ponds and to identify the potential for nuisance conditions. Daily monitoring for freeboard during periods of discharge, and monitoring of dissolved oxygen have been retained from Order R5-2008-0033.

5. Discharge Monitoring Report-Quality Assurance (DMR-QA) Study Program

Under the authority of section 308 of the CWA (33 U.S.C. § 1318), U.S. EPA requires major permittees under the NPDES program to participate in the annual DMR-QA Study Program.

The DMR-QA Study evaluates the analytical ability of laboratories that routinely perform or support self-monitoring analyses required by NPDES permits. There are two options to satisfy the requirements of the DMR-QA Study Program: (1) the Discharger can obtain and analyze a DMR-QA sample as part of the DMR-QA Study; or (2) per the waiver issued by U.S. EPA to the State Water Board, the Discharger can submit the results of the most recent Water Pollution Performance Evaluation Study from their own laboratories or their contract laboratories. A Water Pollution Performance Evaluation Study is similar to the DMR-QA Study. Thus, it also evaluates a laboratory's ability to analyze wastewater samples to produce quality data that ensure the integrity of the NPDES program. The Discharger shall submit annually the results of the DMR-QA Study or the results of the most recent Water Pollution Performance Evaluation Study to the State Water Board. The State Water Board's Quality Assurance Program Officer will send the DMR-QA Study results or the results of the most recent Water Pollution Performance Evaluation Study to U.S. EPA's DMR-QA Coordinator and Quality Assurance Manager.

VIII. PUBLIC PARTICIPATION

The Central Valley Water Board has considered the issuance of WDRs that will serve as an NPDES permit for the Facility. As a step in the WDR adoption process, the Central Valley Water Board staff has developed tentative WDRs and has encouraged public participation in the WDR adoption process.

A. Notification of Interested Parties

The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. Notification was provided through the following **<Describe Notification Process (e.g., newspaper name and date)>**

The public had access to the agenda and any changes in dates and locations through the Central Valley Water Board's website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

B. Written Comments

Interested persons were invited to submit written comments concerning tentative WDRs as provided through the notification process. Comments were due either in person or by mail to the Executive Office at the Central Valley Water Board at 1685 "E" Street, Fresno, California 93706.

To be fully responded to by staff and considered by the Central Valley Water Board, the written comments were due at the Central Valley Water Board office by 5:00 p.m. on **<Date>27 October 2014.**

C. Public Hearing

The Central Valley Water Board held a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: <4/5 December 2014>
Time: 8:30 a.m. or 9:00 a.m.
Location: Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Dr., Suite #200
Rancho Cordova, CA 95670

Interested persons were invited to attend. At the public hearing, the Central Valley Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.

D. Reconsideration of Waste Discharge Requirements

Any aggrieved person may petition the State Water Board to review the decision of the Central Valley Water Board regarding the final WDRs. The petition must be received by the State Water Board at the following address within 30 calendar days of the Central Valley Water Board's action:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

For instructions on how to file a petition for review, see
http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

E. Information and Copying

The Report of Waste Discharge, other supporting documents, and comments received are on file and may be inspected at the address on the cover page at any time between 8:00 a.m. and 4:30 p.m., Monday through Friday, except for State holidays. Copying of documents may be arranged through the Central Valley Water Board by calling (559) 445-5116.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Central Valley Water Board, reference this Facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this Order should be directed to Aidé Ortiz at (559) 445-6083.

ATTACHMENT G – SUMMARY OF REASONABLE POTENTIAL ANALYSIS AT DISCHARGE POINT 001

Constituent	Units	MEC	B	C	CMC	CCC	Water & Org	Org. Only	Basin Plan	MCL	Reasonable Potential
Aldrin	µg/L	ND	ND	0.00013	3	--	0.00013	N/A	--	--	No ¹
alpha-BHC	µg/L	ND	ND	0.0039	--	--	0.0039	N/A	--	--	No ¹
alpha-Endosulfan (Endosulfan I)	µg/L	ND	ND	0.056	0.22	0.056	0.00014	N/A	--	--	No ¹
Aluminum, Total Recoverable	µg/L	330/200 ²	4600 ²	200 ²	--	--	--	--	--	200 ^{2,3}	Yes
Ammonia (as N), Total	mg/L	2.6	1.2	0.21	0.47 ⁴	0.21 ⁴ /0.54 ^{4,5}	--	--	--	--	Yes ¹
Ammonia (as N), un-ionized	mg/L	0.018	0.020	0.025	--	--	--	--	0.025	--	Yes ¹
Bromoform	µg/L	ND	ND	4.3	--	--	4.3	N/A	--	--	No
Cadmium, Total Recoverable	µg/L	ND	ND	0.24/2.2 ⁶	0.24/3.1 ⁶	0.32/2.2 ⁶	--	--	--	5	No ¹
Chlorine Residual, Total	mg/L	ND	ND	0.011	0.019 ⁴	0.011 ⁴	--	--	--	--	No
Chlorodibromomethane	µg/L	ND	ND	0.41	--	--	0.41	N/A	--	--	No
Copper, Total Recoverable	µg/L	41	22	1.0/8.1 ⁶	1.2/12 ⁶	1.0/8.1 ⁶	1300	--	--	1000	Yes
Cyanide, Total (as CN)	µg/L	6.6	ND	5.2	22	5.2	700	N/A	--	150	Yes
Dichlorobromomethane	µg/L	ND	ND	0.56	--	--	0.56	N/A	--	--	No
Fluoride	mg/L	2.7/2.05 ²	1.2/0.34 ²	2.0	--	--	--	--	--	2.0	No ¹
Heptachlor	µg/L	ND	ND	0.00021	0.52	0.0038	0.00021	N/A	--	0.01	No ¹
Lead, Total Recoverable	µg/L	ND	ND	0.12/1.7 ⁶	3.0/43 ⁶	0.12/1.7 ⁶	--	--	--	15	No ¹
Mercury, Total Recoverable	µg/L	0.0035	ND	0.050	--	--	0.050	N/A	--	--	No ¹
Nitrate (as NO ₃)	mg/L	89	54	45	--	--	--	--	--	45	Yes
Nitrite (as N)	mg/L	2.6	ND	1	--	--	--	--	--	1	Yes
Selenium, Total Recoverable	µg/L	2.6	2.9	5.0	--	5.0	--	--	--	50	No ¹
Silver, Total Recoverable	µg/L	ND	ND	0.046/0.88 ⁶	0.046/0.88 ⁶	--	--	--	--	100	No ¹
Thallium, Total Recoverable	µg/L	ND	ND	1.7	--	--	1.7	N/A	--	2	No ¹
Total Dissolved Solids	mg/L	570/524 ²	54/47 ²	500	--	--	--	--	--	500 ³	No ¹

Footnotes:

- (1) See Section IV.C.3 of the Fact Sheet (Attachment F) for detailed discussion
 - (2) Annual average
 - (3) Secondary MCL
 - (4) U.S. EPA National Recommended Ambient Water Quality Criteria
 - (5) 30-day chronic criterion / 4-day chronic criterion
 - (6) Receiving water criterion / effluent criterion
- MEC = Maximum Effluent Concentration
 B = Maximum Receiving Water Concentration or lowest detection level, if non-detect
 C = Criterion used for Reasonable Potential Analysis
 CMC = Criterion Maximum Concentration (CTR or NTR)
 CCC = Criterion Continuous Concentration (CTR or NTR)
 Water & Org = Human Health Criterion for Consumption of Water & Organisms (CTR or NTR)
 Org. Only = Human Health Criterion for Consumption of Organisms Only (CTR or NTR)
 Basin Plan = Numeric Site-specific Basin Plan Water Quality Objective
 MCL = Drinking Water Standards Maximum Contaminant Level
 ND = Non-detect

ATTACHMENT H – CALCULATION OF WQBELS

Parameter	Units	Most Stringent Criteria			Dilution Factors			HH Calculations			Aquatic Life Calculations									Final Effluent Limitations					
		HH	CMC	CCC	HH	CMC	CCC	ECA ^{HH} = AMEL ^{HH}	AMEL/MDEL	MDEL ^{HH}	ECA ^{acute}	Multipplier ^{acute}	LTA ^{acute}	ECA ^{chronic}	Multipplier ^{chronic}	LTA ^{chronic}	Lowest LTA	AMEL Multipliers ^g	AMEL ^{AL}	MDEL	Multipliers ^g	MDEL ^{AL}	Lowest AMEL	Lowest MDEL	
Copper, Total Recoverable	µg/L	1000	12	8.1	--	--	--	--	--	--	0.37	4.5	0.58	4.7	4.5	4.5	1.4	6.5	6.5	2.7	12	12	6.5	12	Lowest MDEL
Cyanide, Total (as CN)	µg/L	150	22	5.2	--	--	--	--	--	--	0.30	6.7	0.51	2.6	2.6	2.6	1.6	4.2	4.2	3.3	8.7	8.7	4.2	8.7	Lowest AMEL
Aluminum, Total Recoverable	µg/L	200 ¹	--	--	--	--	--	--	--	--	--	--	--	--	200 ²	200 ²	1.70 ²	341 ²	341 ²	3.80 ²	761 ²	761 ²	341	761	

¹ California Secondary MCL (not based on human health)

² The criterion used to calculate the aluminum effluent limitations is not an aquatic life criterion; however, the procedures in the State Implementation Policy for calculating effluent limitations based on aquatic life criteria were generally used for calculating the aluminum effluent limitations (see Section IV.C.3.b.i.(c) of Attachment F – Fact Sheet).

ATTACHMENT I – REQUIRED REPORTING LEVELS FOR PRIORITY POLLUTANTS

Table I-1. Required Reporting Levels for Priority Pollutants

CTR #	Constituent	CAS Number	Associated Analytical Method Type	Reporting Level (µg/L or noted)
1	Antimony, Total Recoverable	7440360	GFAA	5
			ICPMS	0.5
			SPGFAA	5
			HYDRIDE	0.5
2	Arsenic, Total Recoverable	7440382	GFAA	2
			ICP	10
			ICPMS	2
			SPGFAA	2
			HYDRIDE	1
3	Beryllium, Total Recoverable	7440417	FAA	20
			GFAA	0.5
			ICP	2
			ICPMS	0.5
			SPGFAA	1
			DCP	1000
4	Cadmium, Total Recoverable	7440439	GFAA	0.5
			ICPMS	0.25
			SPGFAA	0.5
5a	Chromium (III), Total Recoverable	16065831	--	--
5b	Chromium (VI), Total Recoverable	18540299	FAA	5
			COLOR	10
6	Copper, Total Recoverable	7440508	ICPMS	0.5
7	Lead, Total Recoverable	7439921	ICPMS	0.5
8	Mercury, Total Recoverable	7439976	CVAA	0.2
9	Nickel, Total Recoverable	7440020	ICPMS	1
10	Selenium, Total Recoverable	7782492	GFAA	5
			ICPMS	2
			SPGFAA	5
			HYDRIDE	1
11	Silver, Total Recoverable	7440224	ICPMS	0.25
12	Thallium, Total Recoverable	7440280	ICPMS	1
13	Zinc, Total Recoverable	7440666	ICPMS	1
			SPGFAA	10
14	Cyanide, Total (as CN)	57125	COLOR	5
15	Asbestos (MFL units)	1332214		
16	2,3,7,8-TCDD (Dioxin)	1746016		
17	Acrolein	107028	GC	2.0
			GCMS	5
18	Acrylonitrile	107131	GC	2.0
			GCMS	2
19	Benzene	71432	GC	0.5

CTR #	Constituent	CAS Number	Associated Analytical Method Type	Reporting Level (µg/L or noted)
20	Bromoform	75252	GC	0.5
			GCMS	2
21	Carbon Tetrachloride	56235	GC	0.5
22	Chlorobenzene	108907	GC	0.5
			GCMS	2
23	Chlorodibromomethane (Dibromochloromethane)	124481	GC	0.5
24	Chloroethane	75003	GC	0.5
			GCMS	2
25	2-Chloroethylvinyl Ether	110758	GC	1
			GCMS	1
26	Chloroform	67663	GC	0.5
			GCMS	2
27	Dichlorobromomethane (Bromodichloromethane)	75274	GC	0.5
28	1,1-Dichloroethane	75343	GC	0.5
			GCMS	1
29	1,2-Dichloroethane	107062	GC	0.5
30	1,1-Dichloroethylene	75354	GC	0.5
31	1,2-Dichloropropane	78875	GC	0.5
32	1,3-Dichloropropylene	542756	GC	0.5
33	Ethylbenzene	100414	GC	0.5
			GCMS	2
34	Methyl Bromide (Bromomethane)	74839	GC	1.0
			GCMS	2
35	Methyl Chloride (Chloromethane)	74873	GC	0.5
			GCMS	2
36	Methylene Chloride (Dichloromethane)	75092	GC	0.5
			GCMS	2
37	1,1,2,2-Tetrachloroethane	79345	GC	0.5
38	Tetrachloroethylene	127184	GC	0.5
39	Toluene	108883	GC	0.5
			GCMS	2
40	Trans-1,2-Dichloroethylene	156605	GC	0.5
			GCMS	1
41	1,1,1-Trichloroethane	71556	GC	0.5
			GCMS	2
42	1,1,2-Trichloroethane	79005	GC	0.5
43	Trichloroethylene	79016	GC	0.5
			GCMS	2
44	Vinyl Chloride	75014	GC	0.5
45	2-Chlorophenol	95578	GC	2
			GCMS	5
46	2,4-Dichlorophenol	120832	GC	1
			GCMS	5

CTR #	Constituent	CAS Number	Associated Analytical Method Type	Reporting Level (µg/L or noted)
47	2,4-Dimethylphenol	105679	GC	1
			GCMS	2
48	2-Methyl-4,6-Dinitrophenol	534521	GC	10
			GCMS	5
49	2,4-Dinitrophenol	51285	GC	5
			GCMS	5
50	2-Nitrophenol	88755	GCMS	10
51	4-Nitrophenol	100027	GC	5
			GCMS	10
52	3-Methyl-4-Chlorophenol	59507	GC	5
			GCMS	1
53	Pentachlorophenol	87865	GC	1
54	Phenol	108952	GC	1
			GCMS	1
			COLOR	50
55	2,4,6-Trichlorophenol	88062	GC	10
			GCMS	10
56	Acenaphthene	83329	GC	1
			GCMS	1
			LC	0.5
57	Acenaphthylene	208968	GCMS	10
			LC	0.2
58	Anthracene	120127	GCMS	10
			LC	2
59	Benzidine	92875	GCMS	5
60	Benzo(a)Anthracene	56553	GCMS	5
61	Benzo(a)Pyrene	50328	LC	2
62	Benzo(b)Fluoranthene	205992	GCMS	10
			LC	10
63	Benzo(ghi)Perylene	191242	GCMS	5
			LC	0.1
64	Benzo(k)Fluoranthene	207089	LC	2
65	Bis(2-Chloroethoxy)Methane	111911	GCMS	5
66	Bis(2-Chloroethyl)Ether	111444	GCMS	1
67	Bis(2-Chloroisopropyl)Ether	108601	GC	10
			GCMS	2
68	Bis(2-Ethylhexyl)Phthalate	117817	GCMS	5
69	4-Bromophenyl Phenyl Ether	101553	GC	10
			GCMS	5
70	Butylbenzyl Phthalate	85687	GC	10
			GCMS	10
71	2-Chloronaphthalene	91587	GCMS	10
72	4-Chlorophenyl Phenyl Ether	7005723	GCMS	5
73	Chrysene	218019	LC	5

CTR #	Constituent	CAS Number	Associated Analytical Method Type	Reporting Level (µg/L or noted)
74	Dibenzo(a,h)Anthracene	53703	LC	0.1
75	1,2-Dichlorobenzene	95501	GC	2
			GCMS	2
76	1,3-Dichlorobenzene	541731	GC	2
			GCMS	1
77	1,4-Dichlorobenzene	106467	GC	2
			GCMS	1
78	3,3'-Dichlorobenzidine	91941	GCMS	5
79	Diethyl Phthalate	84662	GC	10
			GCMS	2
80	Dimethyl Phthalate	131113	GC	10
			GCMS	2
81	Di-n-Butyl Phthalate	84742	GCMS	10
82	2,4-Dinitrotoluene	121142	GCMS	5
83	2,6-Dinitrotoluene	606202	GCMS	5
84	Di-n-Octyl Phthalate	117840	GCMS	10
85	1,2-Diphenylhydrazine	122667	GCMS	1
86	Fluoranthene	206440	GC	10
			GCMS	1
			LC	0.05
87	Fluorene	86737	GCMS	10
			LC	0.1
88	Hexachlorobenzene	118741	GCMS	1
89	Hexachlorobutadiene	87683	GCMS	1
90	Hexachlorocyclopentadiene	77474	GC	5
			GCMS	5
91	Hexachloroethane	67721	GCMS	1
92	Indeno(1,2,3-cd) Pyrene	193395	LC	0.05
93	Isophorone	78591	GCMS	1
94	Naphthalene	91203	GC	10
			GCMS	1
			LC	0.2
95	Nitrobenzene	98953	GC	10
			GCMS	1
96	N-Nitrosodimethylamine	62759	GCMS	5
97	N-Nitrosodi-n-Propylamine	621647	GCMS	5
98	N-Nitrosodiphenylamine	86306	GCMS	1
99	Phenanthrene	85018	GCMS	5
			LC	0.05
100	Pyrene	129000	GCMS	10
			LC	0.05
101	1,2,4-Trichlorobenzene	120821	GC	1
			GCMS	5
102	Aldrin	309002	GC	0.005

CTR #	Constituent	CAS Number	Associated Analytical Method Type	Reporting Level (µg/L or noted)
103	alpha-BHC	319846	GC	0.01
104	beta-BHC	319857	GC	0.005
105	gamma-BHC (Lindane)	58899	GC	0.02
106	delta-BHC	319868	GC	0.005
107	Chlordane	57749	GC	0.1
108	4,4'-DDT	50293	GC	0.01
109	4,4'-DDE	72559	GC	0.05
110	4,4'-DDD	72548	GC	0.05
111	Dieldrin	60571	GC	0.01
112	alpha-Endosulfan	959988	GC	0.02
113	beta-Endosulfan	33213659	GC	0.01
114	Endosulfan Sulfate	1031078	GC	0.05
115	Endrin	72208	GC	0.01
116	Endrin Aldehyde	7421934	GC	0.01
117	Heptachlor	76448	GC	0.01
118	Heptachlor Epoxide	1024573	GC	0.01
119	PCB 1242	53469219	GC	0.5
120	PCB 1254	11097691	GC	0.5
121	PCB 1221	11104282	GC	0.5
122	PCB 1232	11141165	GC	0.5
123	PCB 1248	12672296	GC	0.5
124	PCB 1260	11096825	GC	0.5
125	PCB 1016	12674112	GC	0.5
126	Toxaphene	8001352	GC	0.5

GC – Gas Chromatography

GCMS – Gas Chromatography/Mass Spectrometry

HRGCMS – High Resolution Gas Chromatography/Mass Spectrometry (i.e., U.S. EPA 1613, 1624 or 1625)

LC – High Pressure Liquid Chromatography

FAA – Flame Atomic Absorption

GFAA – Graphite Furnace Atomic Absorption

HYDRIDE – Gaseous Hydride Atomic Absorption

CVAA – Cold Vapor Atomic Absorption

ICP – Inductively Coupled Plasma

ICPMS – Inductively Coupled Plasma/Mass Spectrometry

SPGFAA – Stabilized Platform Graphite Furnace Atomic Absorption (i.e., U.S. EPA 200.9)

DCP – Direct Current Plasma

COLOR – Colorimetric

EXHIBIT C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
1685 "E" Street, Fresno, California 93706

NOTICE OF PUBLIC HEARING
concerning

**RENEWAL OF WASTE DISCHARGE REQUIREMENTS
AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
(NPDES NO. CA0084239)
AND
ADOPTION OF A CEASE AND DESIST ORDER
FOR
MALAGA COUNTY WATER DISTRICT
WASTEWATER TREATMENT FACILITY
FRESNO COUNTY**

The Malaga County Water District (Discharger) owns and operates a wastewater treatment facility. The Discharger is authorized to discharge up to 0.45 million gallons per day (mgd) of disinfected tertiary-treated wastewater to Central Canal (Discharge Point 001), which is hydraulically connected to Fresno Slough, a water of the United States, which flows into San Joaquin River, also a water of the United States. The Discharger is also authorized to discharge un-disinfected secondary-treated wastewater to onsite disposal ponds (Discharge Point 002). The discharges are regulated by Waste Discharge Requirements (WDRs) Order R5-2008-0033 (NPDES Permit No. CA0084239).

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider adoption of WDRs renewing the NPDES permit and adoption of a Cease and Desist Order (CDO). The proposed WDRs/NPDES permit restricts flow to the onsite disposal ponds to 0.49 mgd, as an average monthly, which is lower than the current permitted flow of 0.85 mgd in WDRs Order R5-2008-0033. The Discharger will have the opportunity to request an increase in flow, up to 0.85 mgd, provided it can demonstrate the ponds have sufficient capacity to dispose of the increased flow and still comply with other permit requirements. The proposed WDRs/NPDES permit also includes a requirement for the Discharger to cease discharge to Central Canal during periods when there are no irrigation water deliveries (beginning at the expiration date of the proposed WDRs/NPDES permit), and also includes new final effluent limitations at Discharge Point 001 for aluminum, un-ionized ammonia (as N), chronic toxicity, copper, cyanide, and nitrate plus nitrite (as N). The Discharger is unable to immediately comply with the new effluent limitations for copper, cyanide, and nitrate plus nitrite (as N). A CDO is proposed to provide a time schedule for compliance with the new effluent limitations for copper, cyanide, and nitrate plus nitrite (as N). The CDO also requires the Discharger to complete several tasks related to its onsite disposal capacity, pretreatment program, and groundwater monitoring network. The CDO rescinds CDO R5-2008-0032.

An alternative for discharge restrictions to Central Canal is included in the Tentative Orders package and may be considered by the Central Valley Water Board at the subject public hearing. The alternative would require the Discharger to completely cease discharging to Central Canal as opposed to ceasing discharge only during non-irrigation season.

A public hearing concerning this matter will be held during the Central Valley Water Board meeting, which is scheduled for:

DATE: 4/5 December 2014
TIME: 8:30 a.m. or 9:00 a.m.
PLACE: Central Valley Regional Water Quality Control
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

NOTICE OF PUBLIC HEARING
MALAGA COUNTY WATER DISTRICT
WASTEWATER TREATMENT FACILITY
FRESNO COUNTY

-2-

The designated party for this hearing is as follows:

- Malaga County Water District

Designated parties, but not interested persons will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such a request in writing to the Central Valley Water Board no later than **27 October 2014**. The request must explain the basis for status as a designated party, and, in particular, how the person is affected by the discharge.

The tentative WDRs/NPDES permit, tentative CDO, and proposed alternative will be available no later than 26 September 2014. Persons wishing to comment on these items must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than **5 p.m. on 27 October 2014**. Testimony, evidence, and/or written comments submitted after **5 p.m. on 27 October 2014** will not be accepted and will not be incorporated into the administrative record absent a ruling by the Board Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Board Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.

All designated parties and interested persons may speak at the Central Valley Water Board hearing and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Board members, counsel staff, or others at the discretion of the Central Valley Water Board.

Anyone having questions on the tentative WDRs/NPDES permit, tentative CDO, or proposed alternative should contact Aide Ortiz at (559) 445-6083 or at aide.ortiz@waterboards.ca.gov. Interested parties may download the tentative WDRs/NPDES permit, tentative CDO, proposed alternative, and related documents from the Central Valley Water Board Board's Internet website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/. Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 1685 "E" Street, Fresno, California 93706, weekdays between 8:00 a.m. and 5:00 p.m. The documents will be available no later than 26 September 2014.

The final Central Valley Water Board meeting agenda will be available at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2014 at least ten days before the meeting. The agenda will provide the dates the hearing will be held, indicate the anticipated order of agenda items, and may include staff revisions to the tentative WDRs/NPDES permit, tentative CDO, and proposed alternative.

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/laws_regulations/. Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of

NOTICE OF PUBLIC HEARING
MALAGA COUNTY WATER DISTRICT
WASTEWATER TREATMENT FACILITY
FRESNO COUNTY

the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original signed by

LONNIE M. WASS, Supervising Engineer

25 September 2014

EXHIBIT D



MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET FRESNO, CALIFORNIA 93725
PHONE: 559-485-7353 FAX: 559-485-7319

BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR. PRESIDENT SALVADOR CERRILLO VICE-PRESIDENT IRMA CASTANEDA DIRECTOR FRANK CERRILLO JR. DIRECTOR CARLOS TOVAR JR. DIRECTOR

James D. Anderson, General Manager

October 27, 2014

California Regional Water Quality Control Board
Central Valley Region
Attention: Aide Ortiz
1685 "E" Street
Fresno, California 93706
Via email: aide.ortiz@waterboards.ca.gov

Re: Comments on Renewal of Waste Discharge Requirements and NPDES Permit Number CA0084239 and Adoption of Cease and Desist Order.

Public Hearing
Date: 4/5 December 2014
Time: 8:30 a.m. or 9:00 a.m.
Place: Central Valley Region Water Quality Control
11020 Sun Center Drive, Suite 200
Rancho Cordova , California 95670

The Malaga County Water District ("District") submits the following comments/objections to the Central Valley Water Board's ("CVWB") Notice of Public Hearing concerning the renewal of Waste Discharge Requirements and the draft NPDES Permit No. CA0084239 and adoption of a Cease and Desist Order for the Malaga County Water District Wastewater Treatment Facility, the draft WDRs Order R5-2014-XXXX, Draft Cease and Desist Order and the draft Alternative for Discharge Restrictions to Central Canal:

1. NPDES No. CA0084239 order R5-2014-XXXX-IV (A)(1)(b). This section restricts the District's effluent flow at discharge point at 002 to 0.49 mgd "unless the Executive Officer approves a higher flow, of up to 0.85 mgd, as allowed by provision VI. C.2.b." The District's current discharge limitation at discharge point 002 is 0.85 mgd. Although unclear, this limitation appears to be based on attachment F section II (B)(3) which recites various

background information and states “[b]ased on the available data, the estimated capacity of the disposal pond is approximately 0.49 mgd, which is less than the average flow which is treated by the Facility between 2010-2013 of 0.65 mgd. This order restricts the flow to the disposal ponds (Discharge Point 002) to 0.49 mgd as a monthly average.” There is no evidence showing how the Central Valley Board calculated the disposal capacity other than the statement that “[t]he Central Valley Water Board calculated the disposal capacity of the ponds based on one hundred-year rainfall and evaporation, assuming half of the storage capacity available at the beginning of the water year (1 October), and a percolating rate of 0.6 inch per day. The rainfall, evaporation, and percolation rates used for calculation were obtained from the Study. The Study assumed the percolation rate initially increase to 1.0 inch per day if, and when, the Discharger preformed maintenance...” (The “Study” referred to a July 28, 2008, treatment and disposal capacity study prepared by the District and submitted to the Central Valley Water Board which includes data from 2005 and 2007.) The Study anticipated that pond percolation rates would increase once pond maintenance (scraping and raking) was performed and that the pond would maintain higher percolation rates with regular maintenance. Since 2008, the District has developed and implemented a pond maintenance program which included raking (not scraping) 7 of its 8 percolation ponds in 2014 (1 pond was raked in 2013). Based on current information the District’s ponds have adequate percolation to accept 0.85mgd of discharge while complying with the requirements of sections VI (C)(4)(d)(v) and (vi) of the Draft MPDES permit without any discharge into the Central Canal. The District will, as required by task 2b of the Proposed Cease and Desist Order R-2014-XXXX (“CDO”), submit a complete analysis of the disposal capacity of the on-site ponds unless the preparation of the analysis is made impossible by the 0.49 mgd limit (see below).

Evidence of the current conditions of the District’s percolation ponds and data supporting maintaining the current 0.85 mgd discharge limit is set forth in the form of a memorandum from the District’s Engineer dated October 24, 2014, which is submitted herewith and attached hereto as Attachment A and referred to as the “Memorandum.”

It must be noted that the District has not discharged into the Central Canal in 2014. With the current percolation rates and without discharging into the Central Canal, the District has been restricted to filling and isolating its 8 percolation ponds one at a time and the imposition of the 0.49 mgd discharge limit would likely interfere with, frustrate or impair the District’s ability to comply with the requirements of CDO Order No. 2.

Additionally, the proposed discharge limit of 0.49 mgd would have the unintended effect of requiring the District to discharge tertiary treated water into the Central Canal due to the 0.49 mgd limit rather than lack of capacity. In fact, as stated above and in the Memorandum, the District has not discharged into the Central Canal in 2014 and does not plan and has no need to discharge any treated water into Central Canal in 2015 or into the future. This required discharge into the Central Canal would be in direct contradiction to the June 25, 2014 letter from Fresno Irrigation District (owner and operator of the Central Canal) which the CVWB appears to be relying on in support of imposing the 0.49 mgd limit. As proposed, the 0.49 mgd limit would place the District in a position of either

unnecessarily discharging into the Central Canal or violating the conditions of its permit in spite of the fact that the District has available capacity.

The draft order R5-2014-XXXX should be amended (at section (A)(1)(b) and throughout) to set the District's discharge limit to its percolation ponds via discharge point 002 at the current level of 0.85 mgd.

2. The Malaga County Water District objects to Cease and Desist Order R5-2001-XXXX as follows:

a. Finding (paragraph) 3 of the CDO is merely a restatement of the NPDES Permit condition objected to above and, for the same reasons set forth above, is objected to herein.

b. Finding (paragraph) 5 of the CDO states that Order R5-2014-XXXX, provision VI.C.6.b requires discharge into the Central Canal to cease during months when there are no irrigation water deliveries beginning on [permit expiration date] based on a June 25, 2014, letter from the Fresno Irrigation District to the Central Valley Board. The District objects to this finding as the aforementioned June 25, 2014 letter was, apparently, the result of a meeting requested by the CVWB which did not include a representative of or input from the District which has led, in part, to the 0.49 mgd discharge limit which will have the opposite of the desired effect of increasing discharge into the Central Canal. Further, this finding and provision VI.C.6.b of the WDR Order R5-2014-XXXX is objected to on the ground that the CVWB has not set forth and does not have the authority to interpret or enforce an agreement between the District and Fresno Irrigation District. Therefore, and for the reasons stated above, the June 25, 2014, letter referred to in finding No. 5 of the CDO is irrelevant and improper. Any order that the District "cease" discharge into the Central Canal should be stricken from the CDO and/or from the draft order R5-2014-XXXX.

c. Finding (paragraph(s)) Nos. 6 and 7. These findings merely restate provisions of WDR Order R5-2014-XXXX related to maintaining sufficient discharge capacity and not exceeding the freeboard limit. The District is in compliance with these provisions and has sufficient capacity available to maintain the current 0.85 mgd discharge limit. These findings are based on outdated and inaccurate information, are irrelevant and improper and as such should be stricken.

d. Finding (paragraph(s)) Nos. 20 thru 24. of the CDO claim to be a recitation of "enforcement history." These findings are a selective and out of context narrative of what CVWB believes to be the enforcement history related to the disposal ponds. As the caption implies, the Facts and Findings recited in paragraph 20-24 are history and do not accurately reflect the current conditions or operations of the Districts Wastewater Treatment Facility and current discharge capacity based on current percolation rates and water balance reports as set forth in the Memorandum. Because the information recited in findings (paragraphs) 20-24 are

"history" and not reflective of current data or conditions they are improper and irrelevant and should be stricken from the CDO along with the identical language set forth in the draft order R5-2014-XXXX and attachments.

e. Finding (paragraph(s)) Nos.36 and 37. For the reasons set forth herein, these findings are based on outdated and inaccurate information, are irrelevant and improper and as such should be stricken.

3. The proposed "Alternative for Discharge Restrictions to Central Canal" offers an alternative to the Draft NPDES Permit by modifying various provisions of the NPDES to require The District to cease all discharge into the Central Canal by the permit expiration date, which is unknown. For the reason set forth above, particularly that the information relied upon by the CVWB being outdated and not representative of current conditions and operations at the District's WWTF, among others, this alternative should not be considered by the Board.

4. The District objects to the Notice of Public Hearing on the matter because the Notice is ambiguous and fails to define the nature of the proceeding and as such the District cannot adequately prepare for the proceeding or is otherwise being denied due process.

The Notice states that it is a Notice of Public Hearing but fails to state whether the Public Hearing is a contested or non-contested item or, if a contested item whether it is quasi-legislative or quasi-judicial or, if quasi-judicial, whether it will be a formal or informal hearing. The CVWBs meeting procedures tend to indicate that this type of hearing is quasi-judicial and the Notice does identify the District as a designated party which would tend to indicate that the matter will be a formal adjudicative proceeding. The Notice gives a deadline for the submission of testimony, evidence, and/or written comments by interested persons and other persons of 5:00 p.m. on 27 October 2014, but does not set forth a deadline for submission of testimony, evidence, and/or written comments for designated parties and does not "set the process for the hearing" as required by the CVWB's meeting procedures. Therefore, the District reserves the right to present testimony, evidence, and/or written comments after the final meeting agenda is available; after the Administrative Record is prepared; after the Draft NPDES Permit, Draft Cease and Desist Order or Draft Alternative Cease and Desist Order are amended; at such time as a deadline for such submissions is given by the CVWB; or anytime up to and including at the hearing.

For the reasons set forth above and in the Memorandum submitted herewith, the CVWB should amend the draft permit Order R5-2014-XXXX to set the District's discharge limit into its percolation ponds (discharge point 002) at the current level of 0.85 mgd and amend all references thereto in the Order and CDO to reflect a discharge limit at discharge point 002 as 0.85 mgd. Further, the CVWB should amend the draft order R5-2014-XXXX and CDO to remove any order requiring that the District "cease" discharging into the Central Canal and not consider the Alternative for Discharge Restrictions to Central Canal. The District's discharge into the Central Canal is by agreement between the District and

the Fresno Irrigation District. The CVWB lacks jurisdiction to interpret or enforce any such agreement.

Respectfully Submitted.

Charles Garabedian Jr. President,
Malaga County Water District

cc: Laurence Kimura, Fresno Irrigation District




Engineering
Surveying
Planning
Environmental
GIS
Construction Services
Hydrogeology
Consulting

286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700 • Fax: (559) 449-2715
www.ppeng.com

FRESNO • CLOVIS • VISALIA • BAKERSFIELD • MODESTO • LOS BANOS • CHICO

MEMORANDUM

To: Malaga County Water District, Jim Anderson
From: Michael Taylor 
Subject: WWTP Water Balance
Date: October 24, 2014

Based on the recent monitoring of actual water level changes in Ponds 5, 6, and 7, which were isolated during portions of the months of July through October, 2014, the estimated percolation rate in the wastewater disposal ponds is 1.66 inches per day. It is noted that the previous estimated percolation rate (from 2008) was 0.60 inches per day. This updated percolation rate demonstrates a significant improvement in pond percolation rates. This improvement is a direct result of Malaga County Water District commitment during the previous six (6) years to scrape and rip the disposal ponds at the WWTP.

When the percolation rate of 1.66 inches per day is applied to a 100 Year Rainfall Water Balance, the existing ponds at the WWTP may be able to dispose of approximately 1.085 mgd (see attached water balance).

It is noted that the percolation rate of the ponds will decrease with use as dust and other particulates will settle on the pond bottom. When a factor of 75 percent is applied to the measured percolation rate, a resulting conservative value is 1.24 inches per day. When the percolation rate of 1.24 inches per day is applied to the 100 Year Rainfall Water Balance, the existing ponds at the WWTP may be able to dispose of approximately 0.821 mgd (see attached water balance).

It is recommended that this information is reviewed and forwarded to the RWQCB for consideration in establishing discharge limits for the new Waste Discharge Requirements to be adopted for the facilities. The efforts taken by the District over the past six (6) years has had significant impact in improving the on-site disposal capacity at the site, as evidenced by the recent pond percolation tests.

Also attached with this memorandum is a spreadsheet that allows the District to readily check that the necessary Available Capacity in the disposal ponds is available prior to each winter. For example, information regarding freeboard in the disposal ponds as of October 22, 2014 have been entered into the table. The ponds presently have approximately 34,825,885 gallons of capacity available. The 100 Year Rainfall Water

Balance indicates that the District must have at least 13,700,000 gallons of available capacity. The actual available capacity greatly exceeds the minimum requirement.

In addition, please refer to the attached Table 1 that includes monthly influent flowrates. Based on the current influent flowrates, and an estimated annual growth rate of 2 percent, the Malaga County Water District would not rely upon discharge to the Central Canal for approximately 23 years. It is recommended that the flowrate projection is updated each calendar year.

It is recommended that the District continue the annual rotation of scraping and ripping the existing ponds. In addition, it is recommended that the District isolate a pond every two years and monitor the actual change of water level so as to be able to update the estimated pond percolation rate.

Based on the information associated with current pond percolation rates, it is recommended that the present discharge flowrate limitation of 0.85 mgd to the disposal ponds is still viable for the Malaga County Water District.

Please contact me if you need additional information or if you have any questions.

Thank you.

**Malaga County Water District
Wastewater Treatment & Disposal Facilities
Estimated Capacity Wastewater Disposal - 100 Year Rainfall Water Balance, Discharge and Storage**

WWTF POND CALCULATIONS:

Month	Number of Days per Month	100 Yr. Rainfall (in/month)	100 Yr. Evaporation (in/month)	MGD	Discharge to canal
January	31	5.14	0.90	1,095,000 gpd	
February	28	3.70	1.46	23,240 ac-ft	
March	31	4.53	2.09	185.9 ac-ft	
April	30	2.76	3.71	1.66 in/day	
May	31	0.01	6.21		
June	30	0.31	6.85		
July	31	0.00	8.14		
August	31	0.00	6.99		
September	30	1.10	4.89		
October	31	1.85	3.09		
November	30	3.18	1.20		
December	31	1.59	0.85		
Total	365	23.88	46.17	23.2 acres	

MGD	Discharge to canal	Effluent Produced (gal/month)	Effluent To Canal (gal/month)	Effluent to Ponds (gal/month)	Surface Rainfall (gal/month)	Surface Evaporation (gal/month)	Pond Percolation (gal/month)	Monthly Change in Storage (gal/month)	Required Storage Capacity (gal)
0	0	33,635,000	0	33,635,000	3,243,677	567,959	32,474,638	3,836,090	8,030,702
0	0	30,380,000	0	30,380,000	2,394,943	921,356	29,331,931	2,481,656	10,482,959
0	0	33,635,000	0	33,635,000	2,658,727	1,316,927	32,474,638	2,700,162	13,182,820
0	0	32,550,000	0	32,550,000	1,741,741	2,341,254	31,427,069	323,419	15,715,938
0	0	33,635,000	0	33,635,000	6,311	3,916,916	32,474,638	(2,782,245)	10,963,993
0	0	32,550,000	0	32,550,000	195,630	4,322,800	31,427,069	(3,004,239)	7,959,454
0	0	33,635,000	0	33,635,000	0	5,136,874	32,474,638	(3,976,512)	3,982,942
0	0	32,550,000	0	32,550,000	694,172	2,953,397	31,427,069	(1,139,284)	732,155
0	0	33,635,000	0	33,635,000	997,094	1,949,993	32,474,638	207,453	207,453
0	0	32,550,000	0	32,550,000	1,994,167	757,279	31,427,068	2,359,819	2,567,272
0	0	33,635,000	0	33,635,000	1,003,394	536,406	32,474,638	1,627,359	4,194,822
0	0	33,635,000	0	33,635,000	15,093,849	29,793,392	32,474,638	-49,129	Start of 12
0	0	1,215.4	0.0	1,215.4	45.2	89.4	1,173.4	-404,129	September 1st

17/ Rainfall Data per the Western Regional Climate Center.
 31/ Evaporation data per WRCC X 0.75
 6/ Design Capacity Effluent Production
 7/ Total existing wet area of the existing lagoons.
 19/ Surface Rainfall = Volume of 100 Year rainfall on the existing WWTF treatment and storage ponds and proposed storage ponds.
 20/ Surface Evaporation = Volume of effluent and rain water evaporating from the existing WWTF treatment and disposal ponds.
 21/ Pond Percolation = Volume of effluent and rain water percolating into the ground for existing ponds 1 through 8.
 23/ Required Storage = Theoretical starting point Sept. 1st where pond storage starts at zero with monthly contributions.
 36/ Maximum Storage Needed = Peak end of month pond storage volume needed (gallons & ac-ft).
 37/ Storage Available from all ponds = Total volume of available storage.
 38/ Check Balance = Comparison of this value with total wastewater processed.

Maximum Required Storage	13,715,938
Total Storage Available	60,582,902 gal
Extra Storage	46,866,964 gal
Total Effluent Production	399,025,000 gal
Total Surface Rainfall	15,069,846 gal
Total Evaporation	29,136,302 gal
Total Percolation	362,362,673 gal
Effluent Applied to Crop	0 gal
Check Balance	399,429,729 gal

Updated: 10/24/14
 Print Date: 10/24/14



**Malaga County Water District
Wastewater Treatment & Disposal Facilities
Estimated Capacity Wastewater Disposal - 100 Year Rainfall Water Balance, Discharge and Storage**

WWTF POND CALCULATIONS:

Month	Number of Days per Month	100 Yr. Rainfall ^{1/} (in/month)	100 Yr. Evaporation ^{2/} (in/month)	Discharge to canal	MGD
January	31	5.14	0.90	Daily Effluent Production ^{3/} =	821,000 gpd
February	28	3.70	1.46	Pond Wet Area ^{4/} =	23.24 acres
March	31	4.63	2.09	Pond Storage =	185.9 ac-ft
April	30	2.76	3.71	Pond Percolation Rate =	1.24 in/day
May	31	0.01	6.21	Additional Pond Wet Area =	0.0 acres
June	30	0.31	6.85	Additional Pond Storage =	0.0 ac-ft
July	31	0.00	8.14	Estimated Pond Percolation Rate =	1.00 in/day
August	31	0.00	6.89	Total Storage =	185.9 ac-ft
September	30	1.10	4.68	Total Storage =	69,832,232 gal
October	31	1.58	3.09		
November	30	3.16	1.20		
December	31	1.59	0.85		
Total	365	23.89	46.17		

Total Area = 23.2 acres

Month	Effluent Produced (gal/month)	Effluent To Canal (gal/month)	Effluent to Ponds (gal/month)	Surface Rainfall ^{1/} (gal/month)	Surface Evaporation ^{2/} (gal/month)	Pond Percolation ^{3/} (gal/month)	Monthly Change in Storage (gal/month)	Required Storage Capacity ^{2a/} (gal)
January	25,451,000	0	25,451,000	3,243,677	587,959	24,256,163	3,898,555	8,159,554
February	22,988,000	0	22,988,000	2,354,943	921,356	21,910,598	2,430,988	10,650,542
March	25,451,000	0	25,451,000	2,888,727	1,316,927	24,268,163	2,732,837	13,383,178
April	24,630,000	0	24,630,000	1,741,741	2,341,254	23,475,642	584,845	13,938,024
May	25,451,000	0	25,451,000	6,311	3,918,918	24,256,163	(2,718,770)	11,218,254
June	24,630,000	0	24,630,000	195,630	4,322,600	23,475,642	(2,972,812)	8,245,442
July	25,451,000	0	25,451,000	0	5,136,874	24,256,163	(3,944,037)	4,301,405
August	25,451,000	0	25,451,000	694,172	2,953,387	23,475,642	(3,218,312)	1,083,093
September	24,630,000	0	24,630,000	987,084	1,848,983	24,256,163	239,928	0
October	24,630,000	0	24,630,000	1,994,167	757,279	23,475,642	2,391,246	2,631,174
November	25,451,000	0	25,451,000	1,003,394	595,406	24,256,163	1,659,825	4,230,899
December	25,451,000	0	25,451,000	1,662,348	29,139,332	24,256,163	876.5	0
Total	299,685,000	0	299,685,000	15,083,248	29,139,332	89.4	-21,764	299,685,000

Maximum Required Storage = 13,938,024 gal
 Total Storage Available^{3/} = 60,682,302 gal
 Extra Storage^{4/} = 46,744,278 gal

Total Effluent Production: 299,685,000 gal
 Total Effluent Exported: 0 gal
 Total Surface Rainfall^{5/}: 15,089,848 gal
 Total Evaporation^{6/}: 29,136,332 gal
 Total Percolation^{7/}: 285,620,388 gal
 Effluent Applied to Crop: 0 gal

Check Balance^{8/}: 299,686,764 gal



Updated: 10/24/14
 Print Date: 10/24/14

1/ Rainfall Data per the Western Regional Climate Center.
 2/ Evaporation (est) per WRCC X 0.75
 3/ Design Capacity Effluent Production
 4/ Total existing wet area of the existing lagoons.
 5/ Surface Rainfall = Volume of 100 Year rainfall on the existing WWTF treatment and storage ponds and proposed storage ponds.
 6/ Surface Evaporation = Volume of effluent and rain water evaporating from the existing WWTF treatment and disposal ponds.
 7/ Pond Percolation = Volume of effluent and rain water percolating into the ground for existing ponds 1 through 8.
 8/ Required Storage = Theoretical storage point Sept. 1st where pond storage starts at zero with monthly contributions.
 9/ Maximum Storage Needed = Peak end of month pond storage volume needed (gallons & ac-ft).
 3/ Storage Available from all ponds = Total volume of available storage.
 38/ Check Balance = Comparison of this value with total wastewater processed.

Malaga County Water District
 Available Disposal Pond Capacity as of October 22, 2014

Pond	Freeboard (ft)	Available Depth (ft)	Acreage (acres)	Available Capacity (acre-ft)	Available Capacity (gal)	Total Depth (ft)
1	2.5	0.5	1.29	0.645	210,160	8
2	8	6	0.76	4.56	1,485,779	8
3	8	6	2.59	15.54	5,063,380	8
4	8	6	2.5	15	4,887,432	8
5	3.2	1.2	3.07	3.684	1,200,353	8
6	5.5	3.5	4.29	15.015	4,892,319	8
7	8	6	4.79	28.74	9,364,320	8
8	8	6	3.95	23.7	7,722,143	8
Total			23.24	106.884	34,825,885	

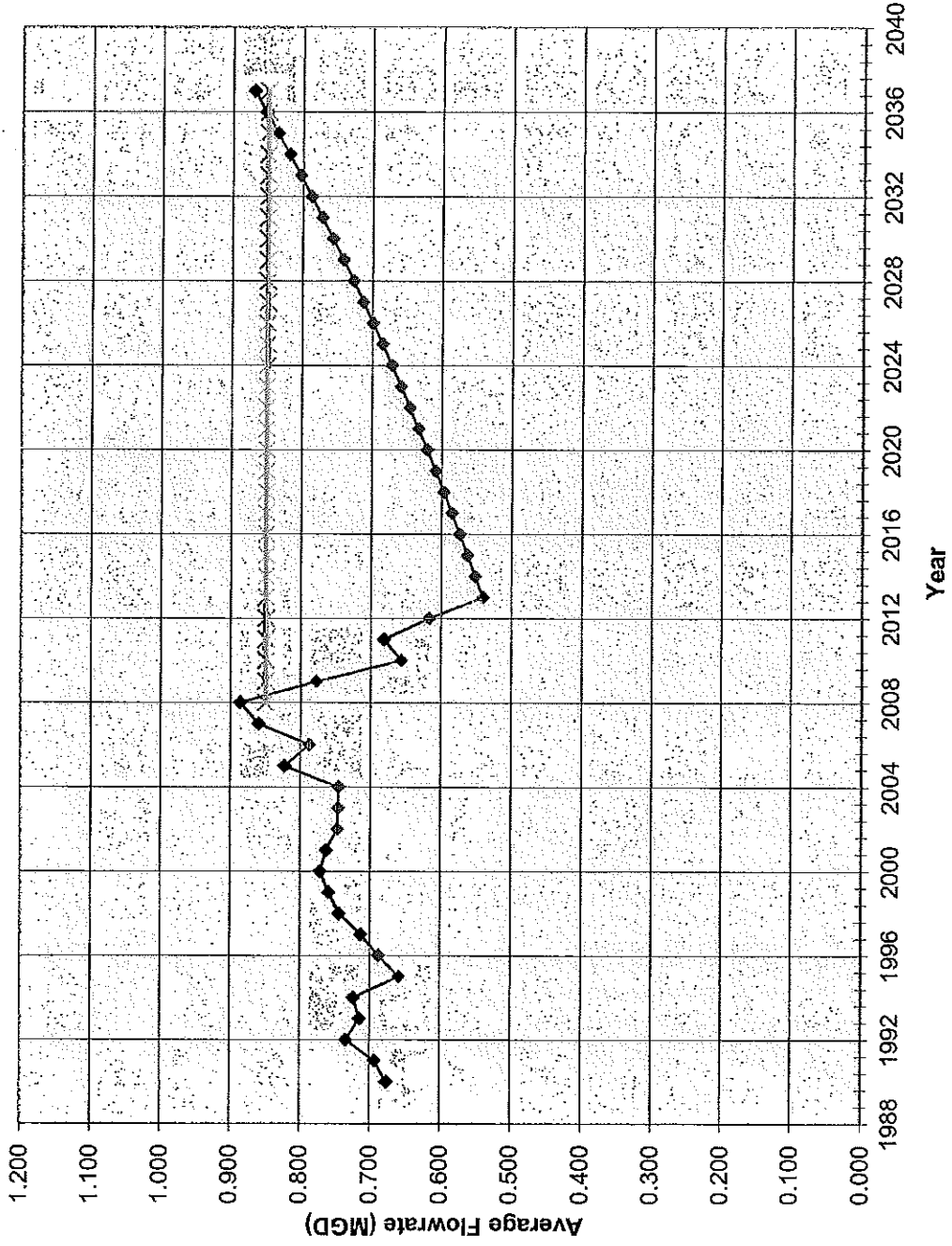
Note: A minimum of 2 ft. of freeboard is required. 2 ft. freeboard equates to 0 AF available capacity.

TABLE 1

MALAGA COUNTY WATER DISTRICT
 WASTEWATER TREATMENT PLANT
 MONITORING AND REPORTING PROGRAM NO. 2008-0033
 NPDES NO. CA 0084239

YEAR	AVERAGE FLOWRATE	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEP		OCT		NOV		DEC	
		31	31	28	29	31	31	30	31	30	31	30	31	30	31	31	31	30	31	30	31	30	31	31	31
1990	0.677	0.660	0.667	0.694	0.694	0.610	0.688	0.709	0.652	0.664	0.678	0.726	0.741	0.632											
1991	0.694	0.642	0.651	0.694	0.687	0.684	0.697	0.682	0.703	0.728	0.712	0.713	0.731	0.731											
1992	0.735	0.727	0.741	0.735	0.681	0.679	0.740	0.753	0.768	0.743	0.768	0.756	0.729	0.729											
1993	0.716	0.727	0.720	0.724	0.721	0.715	0.703	0.705	0.712	0.714	0.703	0.709	0.734	0.734											
1994	0.724	0.748	0.739	0.743	0.743	0.745	0.740	0.739	0.737	0.731	0.722	0.669	0.636	0.636											
1995	0.660	0.638	0.635	0.621	0.614	0.626	0.636	0.641	0.695	0.699	0.705	0.709	0.689	0.689											
1996	0.688	0.671	0.680	0.676	0.690	0.690	0.689	0.692	0.691	0.686	0.694	0.696	0.705	0.705											
1997	0.714	0.686	0.681	0.681	0.690	0.704	0.715	0.711	0.740	0.756	0.722	0.734	0.749	0.749											
1998	0.745	0.744	0.743	0.737	0.772	0.765	0.766	0.738	0.740	0.740	0.740	0.739	0.706	0.738											
1999	0.760	0.753	0.753	0.735	0.746	0.765	0.762	0.778	0.780	0.770	0.770	0.761	0.760	0.751											
2000	0.772	0.723	0.744	0.738	0.754	0.783	0.767	0.772	0.808	0.770	0.795	0.797	0.760	0.751											
2001	0.763	0.776	0.771	0.701	0.810	0.755	0.780	0.750	0.770	0.773	0.759	0.760	0.756	0.756											
2002	0.748	0.742	0.750	0.737	0.748	0.745	0.737	0.746	0.740	0.755	0.754	0.753	0.763	0.763											
2003	0.747	0.752	0.752	0.737	0.750	0.740	0.746	0.758	0.742	0.740	0.740	0.747	0.745	0.745											
2004	0.746	0.760	0.737	0.722	0.717	0.734	0.760	0.750	0.750	0.770	0.750	0.750	0.750	0.750											
2005	0.823	0.860	0.780	0.760	0.770	0.763	0.870	0.860	0.935	0.964	0.740	0.750	0.750	0.750											
2006	0.788	0.740	0.740	0.760	0.744	0.757	0.806	0.849	0.862	0.803	0.820	0.778	0.700	0.700											
2007	0.860	0.785	0.820	0.805	0.867	0.770	0.964	1.001	0.960	1.020	0.823	0.798	0.752	0.752											
2008	0.887	0.990	0.840	0.760	0.800	0.909	0.970	0.955	0.949	0.909	0.829	0.800	0.870	0.870											
2009	0.778	0.830	0.800	0.820	0.740	0.800	0.830	0.830	0.750	0.800	0.720	0.670	0.680	0.680											
2010	0.668	0.512	0.431	0.650	0.580	0.640	0.720	0.740	0.760	0.740	0.710	0.710	0.670	0.670											
2011	0.683	0.670	0.640	0.680	0.680	0.650	0.740	0.740	0.760	0.740	0.710	0.710	0.670	0.670											
2012	0.618	0.630	0.600	0.630	0.690	0.620	0.680	0.680	0.640	0.730	0.700	0.640	0.520	0.520											
2013	0.541	0.560	0.450	0.520	0.570	0.560	0.530	0.600	0.610	0.550	0.560	0.520	0.490	0.490											
2014	0.552																								
2015	0.563																								
2016	0.574																								
2017	0.585																								
2018	0.597																								
2019	0.609																								
2020	0.621																								
2021	0.634																								
2022	0.646																								
2023	0.659																								
2024	0.673																								
2025	0.686																								
2026	0.700																								
2027	0.714																								
2028	0.728																								
2029	0.743																								
2030	0.757																								
2031	0.773																								
2032	0.788																								
2033	0.804																								
2034	0.820																								
2035	0.836																								
2036	0.853																								
2037	0.870																								

Malaga County Water District Wastewater Treatment Plant Flowrates



—●— Average Flowrate
—▲— Disposal Pond Limitation

EXHIBIT E

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 4/5 December 2014**

**Responses to Written Comments for the
Malaga County Water District
Wastewater Treatment Facility
Fresno County
Tentative Waste Discharge Requirements/NPDES Permit
And
Tentative Cease and Desist Order**

At a public hearing scheduled for 4/5 December 2014, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs)(NPDES Permit No. CA0084239), a Cease and Desist Order (CDO), and will also consider a proposed Alternative for Discharge Restrictions to Central Canal (Alternative) for the Malaga County Water District, Wastewater Treatment Facility. The final meeting agenda will be available at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2014 at least ten days before the meeting. The agenda will provide the date the proposed WDRs/NPDES permit, proposed CDO, and proposed Alternative will be heard, indicate the anticipated order of agenda items, and may include staff revisions to the proposed WDRs/NPDES permit, proposed CDO, and proposed Alternative.

This document contains responses to written comments received from interested parties regarding the tentative WDRs/NPDES permit, tentative CDO, and Alternative circulated on 26 September 2014. Written comments from persons wishing to comment were required by public notice to be submitted to the Central Valley Water Board by 5:00 p.m. on 27 October 2014 to receive full consideration. Written comments were received by 27 October 2014 from:

- Malaga County Water District (Discharger, MCWD, or District), 27 October 2014
- Fresno Irrigation District, 24 October 2014

Written comments from the above parties are summarized below, followed by the responses of Central Valley Water Board staff. Based on the comments, changes were made to the proposed WDRs/NPDES permit, proposed CDO, and proposed Alternative. Central Valley Water Board staff also made changes to the proposed WDRs/NPDES permit, proposed CDO, and proposed Alternative to correct typographical errors, to improve clarity, and to update addresses for document remittance.

DISCHARGER COMMENTS

DISCHARGER COMMENT 1: The Discharger requests that the effluent flow limitation to the disposal ponds (Discharge Point 002) be increased from the proposed 0.49 million gallons per day (mgd) to the currently allowed flow of 0.85 mgd. The Discharger indicates that the disposal ponds have a capacity higher than 0.49 mgd and provides a memorandum from the Discharger's engineer that allegedly supports a higher effluent flow limitation. The Discharger also indicates that the proposed effluent flow limitation of 0.49 mgd to the disposal ponds (Discharge Point 002) would force the Discharger to discharge to Central Canal (Discharge Point 001), and that the effluent flow limitation would also interfere with the Discharger's ability to comply with portions of the proposed CDO. Additionally, the Discharger alludes to the proposed effluent flow limitation of 0.49 mgd being contingent on a 25 June 2014 letter from Fresno Irrigation District that pertains to discharges to Central Canal.

RESPONSE: The proposed WDRs/NPDES permit and proposed CDO will not be revised and will retain the effluent flow limitation to the disposal ponds (Discharge Point 002) of 0.49 mgd, as

a monthly average. As stated in the proposed WDRs/NPDES permit and proposed CDO, the information available to Central Valley Water Board staff at the time the proposed WDRs/NPDES permit and proposed CDO were drafted indicated the disposal capacity of the ponds is approximately 0.49 mgd. Prior to drafting the proposed WDRs/NPDES permit and proposed CDO, Central Valley Water Board staff requested information from the Discharger via letter dated 19 August 2013 (August 2013 Letter). The August 2013 Letter requested the Discharger provide more information regarding a number of items relating to the disposal capacity of the ponds. The Discharger failed to provide detailed, useful information regarding the disposal capacity in its response to the August 2013 Letter. At that time, Central Valley Water Board staff had to proceed with the renewal process of the WDRs/NPDES permit in the absence of information because the Discharger's WDRs/NPDES permit was over six months past its expiration date.

The proposed WDRs/NPDES permit provides an opportunity for the Discharger to submit necessary and detailed information that demonstrates it has adequate disposal capacity for an effluent flow limitation higher than 0.49 mgd. The Discharger provided some of the necessary information with its comments in the form of a memorandum from its consulting engineer addressed to the Discharger. Central Valley Water Board staff is in the process of reviewing the information contained in the memorandum and informed Mr. James Anderson of the MCWD via telephone on 30 October 2014 that the memorandum should be resubmitted with the signature and seal of the engineer in responsible charge, and that the Discharger should transmit the signed and stamped report with a cover letter indicating whether it agrees with the engineer's report and if the Discharger intends on implementing the engineer's recommendations. Mr. Anderson was also informed that Central Valley Water Board staff may request additional information once the review is completed. If all the necessary information is submitted, the Executive Officer can authorize an increase in flow via a letter. Additionally, the proposed WDRs/NPDES permit will not become effective until 1 February 2015, which provides time for the Discharger to submit the information requested, and which may result in the Discharger not being subject to the 0.49 mgd effluent flow limitation.

It is unclear to Central Valley Water Board staff how the proposed effluent flow limitation of 0.49 mgd will interfere with the Discharger's ability to comply with tasks 2a through 2c of the proposed CDO given that the average effluent flow to the ponds was reported as 0.541 mgd during calendar year 2013.

Contrary to the Discharger's statement on page 2 of its comments, Central Valley Water Board staff is not relying on the 25 June 2014 letter from FID to "impose" the lower effluent flow limitation to the disposal ponds. As stated above, Central Valley Water Board staff relied on information provided by the Malaga County Water District, including its July 2008 study, which had the most complete information, to calculate the disposal capacity of the ponds under design conditions. The Discharger states in its comments that the proposed effluent flow limitation is based on outdated and irrelevant data and is not reflective of current conditions. As stated above, the Discharger was given an opportunity to provide current information but it failed to do so. Had the Discharger provided complete and up-to-date information in its response to the Central Valley Water Board August 2013 Letter, Central Valley Water Board staff would have used that complete and up-to-date information in drafting the proposed WDRs/NPDES permit.

DISCHARGER COMMENT 2a: The Discharger requests that Finding No. 3 in the proposed CDO be removed based on its objections to portions in the proposed WDRs/NPDES permit related to the proposed 0.49 mgd effluent flow limitation to the disposal ponds (Discharge Point 002).

RESPONSE: The requested change has not been made. See Central Valley Water Board staff response to Discharger Comment 1.

DISCHARGER COMMENT 2b: The Discharger objects to Finding No. 5 of the proposed CDO and Provision VI.C.6.b of the proposed WDRs/NPDES permit because the Finding and Provision are based on information provided by FID in its 25 June 2014 letter to the Central Valley Water Board, which was the result of a meeting requested by Central Valley Water Board staff that did not include the Discharger. Additionally, the Discharger objects on the grounds that the Central Valley Water Board does not have the authority to interpret or enforce an agreement between the Discharger and FID. The Discharger requests that the requirement to cease discharging to Central Canal be removed from the proposed WDRs/NPDES permit and proposed CDO.

RESPONSE: The Discharger's objections are noted but the requested change to remove the discharge restrictions to Central Canal has not been made. The Central Valley Water Board is not claiming that it has authority to enforce an agreement between the Discharger and FID. Although Central Valley Water Board staff is not recommending that the Discharger completely cease discharging to Central Canal, the requirement to cease discharging to Central Canal completely is one option that the Central Valley Water Board may consider and has been properly noticed for the Board's consideration. As provided in California Water Code section 13263, subdivision (g) "*No discharge of waste into the waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.*" See also *In the Matter of the Petition of Robert James Claus*, 1985 WL 20016 at p. *5 (noting that compliance with the provisions of California Water Code Sections 13260 and 13264 does not give one a vested right to continue discharging wastewater and citing California Water Code section 13263, subdivision (g).)

Furthermore, a regional water board has the discretion to prohibit the discharge of waste that could affect the quality of waters of the State. As noted *In the Matter of the Petition of Foothill/Eastern Transportation Corridor Agency*, 2014 WL 5148275 at *6:

Whether or not a discharge is authorized, the discharge of waste does not create any vested rights to continue the discharge; the discharge of waste is a privilege, not a right. It follows, then, that a regional water board has the authority to decline to issue WDRs for a specific discharge. When a regional water board declines to issue WDRs, it may also choose to give the project proponent an opportunity to revise its project and submit a revised report of waste discharge. In addition to the issuance or denial of WDRs, the Porter-Cologne Act also authorizes a regional water board to specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted. This may be done in a water quality control plan or in WDRs, and is a more enduring mechanism for protecting water quality.

Additionally, Central Valley Water Board staff met with FID to gain clarification regarding its 11 February 2008 letter to the Discharger, which states that it (FID) would like the Discharger to become independent of the canal discharge. The Discharger's response to the Central Valley

Water Board August 2013 Letter stated that recent discussions with FID indicated FID was willing to accept discharges into Central Canal during times when there were irrigation water deliveries in the canal, and included the 11 February 2008 FID letter as evidence of FID's stance. The 2008 FID letter, as previously stated, did not indicate that it was willing to accept discharges into Central Canal during the irrigation season, and in fact indicated it would prefer the Discharger move towards eliminating the discharge to the Canal. The 25 June 2014 FID letter, which supports the Discharger's statements that FID is willing to accept discharges into Central Canal, with some restrictions, was necessary because the Central Valley Water Board case file for the Facility included conflicting statements provided by the Discharger to the Central Valley Water Board in its 2008 study and its response to the August 2013 Letter.

DISCHARGER COMMENTS 2c, 2d, and 2e: The Discharger requests that Finding Nos. 6, 7, 20 through 24, 36, and 37 in the tentative CDO be removed because it claims the findings are based on outdated and inaccurate information and are irrelevant and improper, do not reflect current conditions, or are selective, out of context, and historical.

RESPONSE: The Findings in question have not been removed. The Findings in the proposed CDO are based on information from the Central Valley Water Board case file for the Facility and are, as the Discharger points out in its comments, historical facts. The Discharger did not present evidence that shows how or why the Findings are "inaccurate, irrelevant, improper, or out of context". Central Valley Water Board staff agrees that the Findings are historical, but they are nonetheless representative of the Facility's history.

DISCHARGER COMMENT 3: The Discharger requests that the proposed Alternative for Discharge Restrictions to Central Canal not be considered by the Board for reasons stated in its previous comments.

RESPONSE: The proposed Alternative has not been removed and will be included in the Agenda package for the Board's consideration. Adoption of the proposed alternative is within the Central Valley Water Board's authority. California Water Code section 13263(g) states, "*No discharge of waste into the waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.*"

DISCHARGER COMMENT 4: The Discharger objects to the Notice of Public Hearing because it alleges "*the Notice is ambiguous and fails to define the nature of the proceeding and as such the District cannot adequately prepare for the proceeding or is otherwise being denied due process.*" The Discharger also indicates that the Notice does not have a comment deadline for designated parties and only has a comment deadline for interested parties, and as such the Discharger, who was listed as a designated party, may submit evidence and testimony at any time up to and including the hearing.

RESPONSE: The Discharger's comments are noted. The Notice of Public Hearing does not specify that comments are due only by "interested persons and other persons" by the specified deadline. The Notice states on page 2, "*Persons wishing to comment on these items must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than 5 p.m. on 27 October 2014. Testimony, evidence, and/or written comments submitted after 5 p.m. on 27 October 2014 will not be accepted and will not be incorporated into the administrative record absent a ruling by the Board Chair.*" Thus, if the Discharger intends to submit testimony, evidence, and/or additional written comments after the

comment deadline, which has already passed, it should note that the testimony, evidence, and/or additional written comments may or may not be incorporated into the administrative record.

Moreover, the Discharger's claim that it is being denied due process is misplaced. There is no mandatory legal requirement that a notice of public hearing specifically state whether a matter is contested or uncontested and the Discharger has provided no authority to the contrary. Adoption of a permit is a quasi-adjudicatory proceeding and governed pursuant to California Code of Regulations, title 23, section 648 et seq.

The Notice of Public Hearing specifically states, "*A party requesting to submit late materials must demonstrate good cause for the late submission, and the Board Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.*" Again, this provision is not specific to interested persons as argued by the Discharger. Furthermore, pursuant to California Code of Regulations, title 23, section 648.4, subdivision (a), it is the policy of the State and Regional Boards to discourage the introduction of surprise testimony and exhibits. Moreover, California Code of Regulations, title 23, section 648.4, subdivision (e) states that:

Where any of the provisions of this section have not been complied with, the presiding officer may refuse to admit the proposed testimony or the proposed exhibit into evidence, and shall refuse to do so where there is a showing of prejudice to any party or the Board. This rule may be modified where a party demonstrates that compliance would create severe hardship.

In short, although it is true that the Discharger may seek to submit evidence and testimony at any time up to and including the hearing, whether the Discharger is allowed to do so is subject to the discretion of the Board Chair.

FRESNO IRRIGATION DISTRICT (FID) COMMENTS

FID provided comments indicating that it would like the Discharger to work towards completely eliminating the discharge to Central Canal in the future, and that the discharge from the Facility can at times be a significant nuisance. FID also notes that discharge during irrigation season is typically not an issue and provides that the irrigation season typically occurs from March to August during an average year but can vary from two to nine months every year. FID also notes that the Discharger may be allowed to discharge during storm water conveyances if capacity exists, but that would need to be handled on a case-by-case basis. FID also states that it is willing to allow the Discharger to discharge to Central Canal for up to five years while the Discharger works on developing other disposal alternatives. At the end of the five-year period, FID anticipates that the Discharger will be self-sufficient and/or will have other disposal alternatives available, but would still be open to accepting discharges during the irrigation season. FID notes that after the five-year period, discharges to Central Canal outside of the irrigation season must be eliminated.

RESPONSE: FID's comments are noted.

EXHIBIT F

AGENDA

Public Meeting Central Valley Regional Water Quality Control Board



Thursday, December 4, 2014–8:30 a.m.
Friday, December 5, 2014–8:30 a.m.
Central Valley Water Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

WEBCAST OF BOARD MEETING

Live video broadcast of this meeting will be available at: <http://www.calepa.ca.gov/Broadcast/>

The Central Valley Board strives to conduct accessible, orderly, and fair meetings. The Board abides by the following rules when conducting its meetings:

- No person is required to register their name or provide other information to the Board in order to attend a Board meeting. Completing an attendance card is voluntary, unless you wish to testify before the Board.
- Anyone speaking to the Board will be requested to complete an attendance card.
- Anyone testifying in permit and enforcement actions will be required to complete an attendance card and affirm that any testimony that they provide is the truth by taking an oath.
- Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.
- Any item scheduled for the first day of a multi-day Board meeting may be delayed or continued to the next day, and items may also be moved from the second day to the first day. The Board may remove items from this Agenda without prior notice.
- If the Board lacks a quorum, the Board may conduct a hearing as a Panel Hearing. However, the Board will not take final action on such an item until a quorum of the Board is present.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Board agendas and the minutes of prior meetings are posted on the Board's website at: http://www.waterboards.ca.gov/centralvalley/board_info/meetings/

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. If no staff person is listed, or for general questions, please contact Ms. Kiran Lanfranchi-Rizzardi at: (916) 464-4839 or klanfranchi@waterboards.ca.gov

The Board meeting will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations are asked to contact Ms. Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

A list of applications for Water Quality Certifications, which the Board issues pursuant to Section 401 of the Clean Water Act, can be found at: http://www.waterboards.ca.gov/centralvalley/public_notices/ or can be obtained by calling the Board at: (916) 464-3291.

ELECTRONIC PRESENTATIONS

PowerPoint and other electronic presentations are frequently presented at the Board Meetings. Please e-mail presentations to the Board's Webmaster at webmaster5@waterboards.ca.gov at least 24 hours in advance, or bring your files either on a USB Flash Drive or CD-ROM and give them to Board Staff prior to the start of the meeting.

THURSDAY, DECEMBER 4, 2014 – 8:30 A.M.

1. Introductions, Pledge of Allegiance, and approval of minutes of the October 9/10, 2014 meeting
2. Meeting Rules and Procedures.
3. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.
4. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board*
5. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
 - a. State of the Region Report [Pamela Creedon (916) 464-4839]

OTHER BUSINESS

6. Appointment of Representative for Pacific Forest and Lands Stewardship Council
7. Status of Nitrogen Management Plan Template Development – Informational Item Only [Terry Bechtel, (916) 464-4720]

WASTE DISCHARGE REQUIREMENTS

8. Revisions to Waste Discharge Requirements for Growers within the Tulare Lake Basin Area that are Members of the Third-Party Group – Consideration of Adoption of Revised Order [Nicholas Smaira (559) 488-4393]
9. Conditional Waiver of Waste Discharge Requirements Related to Timber Harvest Activities – Consideration of Proposed Renewal of Order R5-2010-0022 [Debra Hallis (530) 224-4801]

NPDES PERMITS

10. Malaga County Water District, Malaga Wastewater Treatment Facility, Fresno County – Consideration of NPDES Permit Renewal (NPDES CA0084239) and Cease and Desist Order [Aide Ortiz (559) 445-6083]

WASTE DISCHARGE REQUIREMENTS AND ENFORCEMENT RESCISSION

11. City of Livingston, Domestic Wastewater Treatment Facility, Merced County – Consideration of Revised Waste Discharge Requirements (Order 89-066) and an Order Rescinding Cease and Desist Order 98-057 and Amending Orders [Denise Soria (559) 444-2488]

WASTE DISCHARGE REQUIREMENTS

12. Rancho Murieta Community Services District, Rancho Murieta Wastewater Treatment Facility, Sacramento County – Consideration of Revised Waste Discharge Requirements and Master Recycling Permit (Order 5-01-124) [Lani Andam (916) 464-4723]

OTHER BUSINESS

13. Control Program for Salt and Boron Discharges into the Lower San Joaquin River – Consideration of Resolution Entering into a Revised Management Agency Agreement (MAA) with the U.S. Bureau of Reclamation (USBR) for meeting salinity water quality objectives in the Lower San Joaquin River (LSJR) at Vernalis [Jim Brownell (916) 464-4675]
14. Control Program for Salt and Boron Discharges into the Lower San Joaquin River – Consideration of Resolution Approving a Real Time Management Program for meeting salinity water quality objectives in the Lower San Joaquin River (LSJR) at Vernalis [Jim Brownell (916) 464-4675]

FRIDAY, DECEMBER 5, 2014 – 8:30 A.M.

15. Introductions, Pledge of Allegiance.
16. Meeting Rules and Procedures.
17. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.
18. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board (3 minute time limit per subject)*
19. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
20. The Board will be asked to approve items 26 through 35 with no discussion if no one is here to testify about them.

NPDES PERMITS

21. University of California, Davis, Main Wastewater Treatment Plant, Yolo County – Consideration of NPDES Permit Renewal (NPDES Permit CA0077895) [David Kim (916) 464-4761]

OTHER BUSINESS

22. Status Report on the Dairy Program with emphasis on Representative Monitoring Program Activities – Informational Item Only [Doug Patteson (559) 445-5577]

ENFORCEMENT

23. David L. & Linda M. Davis Trust of Madera County – Consideration of Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order [Brett Stevens, (916) 464-4642]
24. Larry W. & Shireen I. Slate of Merced County – Consideration of Administrative Civil Liability [Brett Stevens, (916) 464-4642]
25. California Sprouts, LLC, Sacramento Facility, Sacramento County – Consideration of Administrative Civil Liability Order [Lucio Orellana (916) 464-4660]

UNCONTESTED CALENDAR

(Cal. Code Regs., tit. 23, § 647.2, subd. (f).)

Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar and taken up in the regular agenda in an order determined by the Board Chair.

ENFORCEMENT

26. City of Escalon Wastewater Treatment Facility, San Joaquin County – Consideration of Cease and Desist Order [Brendan Kenny (916) 464-4635]
27. City of Ione, Ione Wastewater Treatment Facility, Amador County – Consideration of Revised Cease and Desist Order (Order R5-2012-0023) and Amended WDRs (Order R5-2013-0022) [Lixin Fu (916) 464-4689]
28. United Auburn Indian Community, Thunder Valley Casino Wastewater Treatment Plant, Placer County – Consideration of Time Schedule Order To Comply with Waste Discharge Requirements Prescribed in

Order R5-2010-0005 (NPDES Permit No. CA0084697) [Elizabeth Thayer (916) 464-4671]

29. City of Davis, Davis Wastewater Treatment Plant, Yolo County – Consideration of Time Schedule Order To Comply with Waste Discharge Requirements Prescribed in Order R5-2013-0127 (NPDES Permit CA0079049) [David Kirn (916) 464-4761]
30. Modoc Joint Unified School District, Geothermal Project, Modoc County – Consideration of Proposed Amendment to Time Schedule Order No. R5-2011-0045 [Zack Chandler (530) 224-4206]
31. Collins Pine Company, Chester Sawmill, Plumas County – Consideration of Proposed Adoption of Time Schedule Order [Zack Chandler (530) 224-4206] – **THIS ITEM HAS BEEN REMOVED FROM THE AGENDA**

NPDES PERMIT

32. General Waste Discharge Requirements for Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Waters – Consideration of Renewal of General NPDES Permit No. CAG135001 [Dania Jimmerson (916) 464-4742]

33. WASTE DISCHARGE REQUIREMENTS

- a. City of Fresno and Consolidated Land Company and Consolidated Industries, Inc., North Fresno Wastewater Reclamation Facility, Fresno County, Order R5-2006-0090-01 (revised)
- b. City of Huron, Wastewater Treatment Facility, Fresno County, Order 87-012 (revised)
- c. Kings Waste and Recycling Authority, Corcoran Landfill, Class III Landfill, Post-Closure Maintenance and Corrective Action, Kings County, Order 5-00-159 (revised)
- d. Root Creek Water District, Riverstone Wastewater Treatment Facility, Madera County (new)
- e. SierraPine Limited, SierraPine–Ampine Division, Amador County – Waste Discharge Requirements (WDRs) Order R5-2008-0167 (Amendment) and Rescinding NPDES CA0004219 and Updating WDRs

34. WDR/NPDES RESCISSIONS

- a. ~~Adin Community Services District Wastewater Treatment System, Adin, Modoc County, Order 98-092 – THIS ITEM HAS BEEN REMOVED FROM THE AGENDA~~
- b. ~~Bieber Sewage Treatment Facility, Bieber, Lassen County, Order No. 93-074 – THIS ITEM HAS BEEN REMOVED FROM THE AGENDA~~
- c. California Pines Community Services District Wastewater Treatment System, Alturas, Modoc County, Order 94-047
- d. Fall River Mills Community Services District Wastewater Treatment System, Fall River, Shasta County, Order 94-048
- e. Fresno County Waterworks District No. 38, Sky Harbour Wastewater Treatment Facility, Fresno County, Order 90-088
- f. Intermountain Conservation Camp, Wastewater Treatment System, Bieber, Lassen County, Order 94-226
- g. Kramer Quarry and Asphalt, Lassen County, Order 96-073
- h. Lehigh Southwest Cement Company, Lake Britton Diatomaceous Earth Pit, Shasta County, Order 93-172
- i. ~~Sugar Pine Conservation Camp Wastewater Treatment System, Bella Vista, Shasta County, Order 5-00-261 – THIS ITEM HAS BEEN REMOVED FROM THE AGENDA~~

35. CHANGE OF NAME/OWNERSHIP

- a. Erickson Processing, Inc., Gibbs California Wild Rice, Sutter County, Order R5-2004-0105
- b. Fee A and Fee B Leases Devils Den Oil Field, Kern County, Order 58-487
- c. Golden Hills MH & RV Park, Kern County, Order 86-230
- d. Harris Moran Seed Company, Harris Moran Seed Research and Development Facility, Yolo County, Order R5-2003-0036
- e. Jones Lease, Mount Poso Oil Field, Kern County, Order R5-2006-0050
- f. Kathy Lease, Deer Creek Oil Field, Tulare County, Order 5-00-16303
- g. Lake Isabella Wastewater Treatment Facility, Erskine Creek Road and Lake Isabella Boulevard Lake Isabella, Kern County, Order 84-149
- h. RJM Enterprises, Rivercrest Vineyards, Inc., San Joaquin County, Order 5-00-021
- i. Vedder Lease, Mount Poso Oil Field, Kern County, Order R5-2006-0051

CLOSED SESSION

The Board may meet in closed session to consider personnel matters (Gov. Code, § 11126 subd. (a).), to deliberate on a decision to be reached based upon evidence introduced in a hearing (Gov. Code §, 11126, subd. (c)(3).), or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (Gov. Code, § 11126, subd. (e).). Current litigation involving the Board:

Litigation filed against the Central Valley Water Board and/or the State Water Board:

- a. California Sportfishing Protection Alliance v. California Regional Water Quality Control Board, Central Valley Region, et al. (Sacramento County Superior Court, Case No. 34-2013-80001358-CU-WM-GDS Case No. 60668)
- b. City of Manteca v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 34-2011-80000-831)
- c. Dairy General Waste Discharge Requirements – Association de Gente Unida por el Agua et al. v. Central Valley Water Board (Ca. Ct. of Appeal. 3rd DCA, Case No. C066410)(Sacramento County Sup. Ct., No. 2008-00003604)
- d. ConAgra Foods and Monfort, Inc. v. Central Valley Water Board (Solano County Sup. Ct., Case No. FCS027420)
- e. Greener Globe Landfill WDRs – Central Valley Water Board v. A Greener Globe Corp. et al. (Placer County Sup. Ct., Case No. SCV11383)
- f. Irrigated Lands Coalition Waiver and Program EIR - San Joaquin County Resource Conservation District California Farm Bureau Federation et al. v. Central Valley Water Board; California Sportfishing Protection Alliance et al. v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2012-80001186) (Consolidated Case No. RG 12632180)
- g. Preston Avery, an Individual, and Lois Avery, an Individual, and as Trustees of the Avery Family Revocable Trust of July 14, 2000 v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 06CS00399)
- h. State Water Contractors, Inc. v. State Water Board and Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2011-00107299)
- i. Toxic Hot Spots – San Francisco Baykeeper, Inc. et al. v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 99CS02722)
- j. Atlantic Richfield Company v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2014-80001875)

Litigation filed by the Central Valley Water Board against other parties:

- a. Aerojet Cleanup – Central Valley Water Board et al. v. Aerojet-General Corp. et al. (Sacramento County Sup. Ct., Case No. 286073, consolidated with Case Nos. 288302 and 291981); Central Valley Water Board et al. v. Aerojet-General Corp. et al. (EDCal, Case No. CIV-S-86-0064-EJG) consolidated with U.S. v. Aerojet-General Corp. et al., (EDCal, Case No. CIV-S-86-0063-EJG)
- b. Bonzi Landfill – Central Valley Water Board v. Ma-Ru Holding Company et al. (Stanislaus County Sup. Ct., Case No. 643740)
- c. Iron Mountain Mine Cleanup – Central Valley Water Board et al. v. Iron Mountain Mines, Inc. et al. (EDCal, Case No. CIV-S-91-1167-DFL-PAN) and U.S. v. Iron Mountain Mines, Inc. et al., (EDCal, Case No. S-91-0768 DFL/JFM)
- d. Central Valley Water Board et al. v. Original Sixteen-to-One Mine, Inc. et al. (Sierra County. Sup.Ct., Case No. 7019)

Petitions for Review of Central Valley Water Board Actions filed with State Water Board:

- a. Nevada County Sanitation District No. 1, Lake of the Pines WWTP, WDRs Order R5-2009-0031 [NPDES Permit No. CA0081612] (State Water Board File No. A-2019)
- b. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2011-0068 (State Water Board File No. A-2190)
- c. James. G. Sweeney and Amelia M. Sweeney, Groundwater Monitoring Directive (State Water Board File No. A-2213)
- d. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2012-0070 (State Water Board File No. A-2225)
- e. Eastern San Joaquin Irrigated Lands General Waste Discharge Requirements, Order R5-2012-0116 – Petitions filed by California Sportfishing Alliance et al.; San Joaquin County Resource Conservation District et al.; and Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))
- f. Irrigated Lands General Waste Discharge Requirements for Individual Growers, Order R5-2013-0100 – Petition filed by Kern River Watershed Coalition Authority and Paramount Farming Company, LLC (State Water Board File No. A-2269)
- g. Tulare Lake Basin Area Irrigated Lands General Waste Discharge Requirements, Order R5-2013-0120 – Petitions filed by Southern San Joaquin Valley Water Quality Coalition et al., Michael and Yvonne LaSalle, and Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2278(a) through (c))
- h. West San Joaquin River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0002 – Petition filed by California Sportfishing Alliance et al. (State Water Board File number is unavailable)

- i. San Joaquin County and Delta Area Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0029 – Petition filed by California Sportfishing Alliance et al. (State Water Board File number is unavailable)
- j. Sacramento River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0030 – Petition filed by California Sportfishing Alliance et al. (State Water Board File number is unavailable)
- k. Discovery Bay Wastewater Treatment Plant, WDRs Order R5-2008-0179 [NPDES Permit No. CA007859] – Petitions filed by San Luis & Delta-Mendota Water Authority et al. and California Sportfishing Protection Alliance (State Water Board File Nos. A-1982 and A-1982(a))
- l. Vacaville Easterly WWTP WDRs Order R5-2008-0055 and TSO R5-2008-0056 [NPDES Permit No. CA0077691] – Petition filed by the City of Vacaville (State Water Board File No. A-1932)
- m. City of Live Oak, NPDES Permit R5-2011-0034 and TSO R5-2009-0012-01 [NPDES Permit No. CA0079022] (State Water Board File Nos. A-2172(a) and 2172(b))
- n. City of Auburn Wastewater Treatment Plant, WDRs Order R5-2011-003 (Amending WDRs Order R5-2010-0090) [NPDES Permit No. CA0077712] – Petition filed by California Sportfishing Protection Alliance
- o. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA0079154] (State Water Board File No. A-2238.)
- p. Tosta Dairy, Administrative Civil Liability Order R5-2013-0095 – Petition filed by Henry J. Tosta, Henry J. Tosta Jr. Family Limited Partnership, and Henry J. Tosta Trust (State Water Board File No. A-2268).
- q. Walker Mine, Cleanup and Abatement Order R5-2014-0039 – Petition and Request for Stay filed by Atlantic Richfield Company (State Water Board File number is unavailable)
- r. City of Stockton, WDRs Order No. R5-2014-0070 [NPDES No. CA0079138] and Time Schedule Order No. R5-2014-0071, (State Water Board File No. A-2315)

MEETING PROCEDURES

The Central Valley Water Board circulates item-specific Notices and/or Hearing Procedures along with drafts of its Orders and Amendments. If there is a conflict between an item-specific Notice or Hearing Procedure and the Meeting Procedures in this Agenda, the item-specific Notice or Hearing Procedure will control. Please contact Board staff if you do not know whether there is a Notice or Hearing Procedure for a specific item.

The statutes and regulations that govern the Central Valley Water Board's meetings can be found at: http://www.waterboards.ca.gov/laws_regulations/

All persons may speak at a Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral presentations will be limited in time by the Board Chair, and a timer may be used. Where speakers can be grouped by affiliation or interest, such groups are expected to select a spokesperson and to not be repetitive. The Board will accommodate spokespersons by granting additional time if other group members will not also be speaking.

Written materials that are received after deadlines set by item-specific Notices and/or Hearing Procedures will not generally be admitted. Any person requesting to submit late materials must demonstrate good cause, and the Chair must find that the admission of the late materials would not prejudice the Central Valley Water Board or any designated party. The Chair may modify this rule to avoid severe hardship.

PROCEDURE FOR HEARINGS IN ADJUDICATIVE MATTERS

(Including the issuance of Waste Discharge Requirements, NPDES Permits, Conditional Waivers, and certain Enforcement Orders, including Cleanup and Abatement and Administrative Civil Liability Orders)

The regulations for adjudicative proceedings are found in California Code of Regulations, title 23, sections 648 et seq. An adjudicative proceeding is a hearing to receive evidence for the determination of facts pursuant to which the Board formulates and issues a decision.

Evidence: Adjudicative hearings are not conducted according to the technical rules of evidence; the Board will accept any evidence that is reasonably relevant. It is the policy of the Board to discourage the introduction of surprise testimony and exhibits. Hearsay evidence may be used to supplement or explain other evidence.

Designated Parties: Designated Parties are persons named in a proposed order, anyone who requests designated party status and is so designated by the Board, and, for prosecutorial matters, the Board's Prosecution Team. Designated Parties have the right to call and examine witnesses, receive witness lists from other Designated Parties, introduce exhibits, cross-examine opposing witnesses, rebut evidence, make or oppose evidentiary objections, and make opening and/or closing statements.

Interested Persons: All persons who wish to participate in the hearing but who are not Designated Parties are Interested Persons. Interested Persons may present non-evidentiary policy statements or comments, either orally or in writing, but will not be subject to cross-examination. Interested Parties may be asked to respond to clarifying questions from the Board, staff, or others.

Order of Proceeding: for adjudicative hearings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Testimony and cross-examination of Board staff, then testimony and cross-examination of the Designated Parties named in the Order or Permit, followed by testimony and cross-examination of other Designated Parties
- Statements of Interested Persons
- Closing statement by Designated Parties other than those named in the Order or Permit, then closing statement by Designated Parties named in the Order or Permit, followed by closing statement by Board staff

- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board

Closing statements are not to be used to introduce new evidence or testimony. Persons wishing to introduce exhibits (i.e., maps, charts, photographs) must leave them with the Board.

PROCEDURE FOR RULEMAKING AND INFORMATIONAL PROCEEDINGS

(Including Basin Planning, Rulemaking, Setting of Policy, and Workshops)

The regulations for rulemaking and informational proceedings are found in California Code of Regulations, title 23, sections 649 et seq. Rulemaking proceedings include hearings designed for the adoption, amendment, or repeal of any rule, regulation, or standard of general application. Informational proceedings include any hearings designed to gather and assess facts, opinions, and other information relevant to any matters within the jurisdiction of the Boards and whose primary purposes are to assist the Boards in the formulation of policy or guidelines for future Board action, to inform the public of Board policies, reports, orders, plans, or findings, and to obtain public comment and opinion with respect to such policies, reports, orders, plans, or findings, or to adopt such policies, reports, orders, plans, or findings.

For rulemaking and informational proceedings, the Board does not distinguish between Designated Parties and Interested Persons; the Board will accept any evidence that is reasonably relevant, provided that it is submitted in accordance with any item-specific Notice or Hearing Procedure.

Order of Proceeding: for rulemaking and informational proceedings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Opening statement by the Board summarizing the subject matter and purpose of the proceeding
- Presentation by Board staff
- Presentations by all other persons
- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board (as appropriate)

PETITION PROCEDURE

Any person aggrieved by an action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the issuance of the Order, except that if the thirtieth day following the issuance of the Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

The primary duty of the Central Valley Water Board is to protect the quality of the waters within the Central Valley Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic, and industrial waste discharges. Specific responsibilities and procedures of the Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act.

BOARD MEMBERS	CITY OF RESIDENCE	TERM EXPIRES
Robert Schneider	Davis	9/30/2014
Sandra Meraz	Alpaugh	9/30/2014
Jon Costantino	Grass Valley	9/30/2015
Jennifer Lester Moffitt	Davis	9/30/2016
Carmen L. Ramirez*	Atwater	9/30/2017
Karl E. Longley	Fresno	9/30/2017

*Public member in accordance with Water Code section 13201(c)

Pamela C. Creedon, *Executive Officer*
Kiran Lanfranchi-Rizzardi, *Administrative Assistant*
David Coupe, *Attorney III*
Patrick Pulupa, *Attorney III*
Andrew Deeringer, *Attorney I*

SACRAMENTO OFFICE

11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
Telephone: (916) 464-3291
Fax: (916) 464-4758

Assistant Executive Officers:

Adam Laputz
Andrew Altevogt
Linda Bracamonte

Supervisors:

Bob Chow
Brett Braidman
Brian Newman
David King
Duncan Austin
Jeanne Chilcott
Joe Karkoski
Nichole Morgan
Robert Busby
Wendy Wyels

Seniors:

Anne Olson
Brett Stevens
Charlene Herbst
Cori Condon
Daniel McClure
Elizabeth Lee
Gayleen Perreira
Gerald Djuth
Howard Hold
Jim Marshall

Joe Mello
Marie McCrink
Marty Hartzell
Patrick Morris
Steve Rosenbaum
Steven Meeks
Sue McConnell
Susan Fregien

FRESNO OFFICE

1685 E Street
Fresno, CA 93706
Telephone: (559) 445-5116
Fax: (559) 445-5910

Assistant Executive Officer:

Clay Rodgers

Supervisors:

Lonnie Wass
Doug Patteson

Seniors:

Dale Essary	Dane Johnson
Shelton Gray	David Sholes
Warren Gross	Matt Scroggins
Dale Harvey	Russell Walls
Daniel Carlson	

REDDING OFFICE

364 Knollcrest Drive, Suite 205
Redding, CA 96002
Telephone: (530) 224-4845
Fax: (530) 224-4857

Assistant Executive Officer:

Clint Snyder

Supervisor:

Bryan Smith

Seniors:

Angela Wilson
George Day
George Low

EXHIBIT G



MALAGA COUNTY WATER DISTRICT

3580 SOUTH FRANK STREET FRESNO, CALIFORNIA 93725
PHONE: 559-485-7353 FAX: 559-485-7319

BOARD OF DIRECTORS

CHARLES E. GARABEDIAN JR. PRESIDENT SALVADOR CERRILLO VICE-PRESIDENT IRMA CASTANEDA DIRECTOR FRANK CERRILLO JR. DIRECTOR CARLOS TOVAR JR. DIRECTOR

James D. Anderson, General Manager

19 November 2014

SENT VIA U.S. MAIL/EMAIL: aide.ortiz@waterboards.ca.gov

Ms. Aide Ortiz
Mr. Matt Scroggins
Central Valley Regional Water
Quality Control Board
1685 E Street
Fresno, CA 93706

Re: Request for Additional Comments

Dear Ms. Ortiz and Mr. Scroggins:

This letter is in response to the Water Board's October 31, 2014, email requesting that the Water Balance Memorandum dated October 24, 2014, submitted with the District's comments to the District's draft NPDES Permit (Memorandum) be "re-submitted as a technical report with the signature and seal of the engineer in charge[.]" The email further requested that the report be submitted to "fulfill requirements in Provision VI.C.6.b of the proposed NPDES Permit [.]" and that the District provide a letter indicating when/how the District will comply with the engineers recommendations.

Regarding your request that the Memorandum submitted with the comments be re-submitted as a technical report, the Memorandum is re-submitted herewith without amendment, with the signature and seal of the District's engineer, Michael Taylor as requested.

Regarding your request that the comments and Memorandum be submitted as a technical report fulfilling the requirements of Provision VI.C.6.b of the proposed NPDES Permit, the comment and Memorandum were and are submitted as comments and evidence in response to the Notice of Public Hearing concerning the renewal of the District's NPDES Permit opposing the change to the District's discharge limit at discharge point 002. Because the proposed NPDES Permit has not been adopted, the District cannot, at this time, submit a technical report in response to Provision VI.C.6.b of the proposed NPDES Permit. In addition to not yet being adopted and effective, provision VI.C.6.b of the proposed NPDES Permit, does not provide procedures or criteria for requesting and being granted increased flow. It is apparent that the provisions in the draft NPDES permit related to the Districts discharge limit at discharge point 002 are not only

unsupported by the data but are also poorly conceived and unworkable.

Regarding the implementation of the Districts engineer's recommendations for pond maintenance contained in the Memorandum, the District has a Standard Operating Procedure (SOP) for Pond Maintenance and Monitoring (enclosed). The District developed a pond capacity matrix (enclosed) that calculates the volume of water in all ponds, the capacity in use as a percent of available capacity, and the capacity available as a percent of total capacity to maintain a minimum freeboard of two feet. Weekly pond readings of pond levels in inches shall be taken and enter in to the pond capacity matrix and the resulting calculations shall be entered on the Weekly Pond Monitoring report (enclosed). The Weekly Pond Monitoring report shall be submitted with the monthly DMR to supplement pond data in the DMR.

Under the SOP the District will operate one pond at a time. When the pond in operation reaches 100% of its freeboard capacity, the pond will be isolated and percolation/evaporation (P/E) measured until it empties. If the P/E rate is greater than 1.5 inches per day, the pond is allowed to continue drying until it is put back into service. If a pond P/E rate is less than 1.5 inches per day, the pond will be dried sufficiently to rip before being put back into service. If a pond fails to achieve a P/E rate of 1.5 inches per day after ripping, the pond is taken out of service for scraping and ripping.

Total pond storage capacity in use and storage capacity available are monitored regularly. If total storage capacity in use is 50% of storage capacity available, all P/E calculations and secondary effluent flow data will be forwarded to the District Engineer to make a calculation to determine the volume of tertiary discharge that will be required to not exceed total storage capacity (freeboard limit). A decision will then be made when and at what rate to begin tertiary discharge to offset the volume of secondary effluent discharge to the ponds.

Based upon the water balance calculation made by the District Engineer, an average P/E rate of 1.5 inches per day in the ponds is sufficient to maintain a flow of 0.85 MGD secondary effluent to the ponds. Average flow for the past two years has been about 0.60 MGD.

During calendar year 2014 there has and will be no tertiary discharge. During this time the District has dried seven of its eight and scraped and/or ripped the ponds as necessary. Since July 2014, only one pond has been in service at any given time. As described in the SOP procedure above, ponds that were in service have been isolated to collect P/E data. All ponds have maintained a P/E rate of greater than 1.5 inches per day. As part of the District's SOP and commitment to performing regular pond maintenance, the District will add a line item to its budget to fund pond maintenance in conjunction with the District's mid-year budget review to be performed in January 2015.

Also enclosed is a Pond Capacity Matrix dated 17-November-2014. The Matrix shows that the District is currently using pond three for discharge and that ponds four and five are isolated and being monitored for percolation/evaporation data.. The District currently has 82.8% of its freeboard capacity available.

Based upon the fact that all ponds have a P/E rate greater than 1.5 inches per day, a P/E

rate of 1.5 inches per day is sufficient for secondary discharge of 0.85 MGD to the ponds, a pond monitoring procedure is in place to record pond capacity, a pond maintenance plan exists and will be implemented according to the P/E data and the recommendations of the District Engineer, a calculable storage capacity threshold exists to make a precise determination as to when tertiary discharge must be implemented, the storage capacity milestone allows for time to plan tertiary discharge to be coordinated with Central Canal water delivery by Fresno Irrigation District, during 2014 only one pond at a time has been required to operate, at no point since 2008 when the District undertook greater effort to maintain the ponds has the District approached its pond capacity (freeboard limit), and that for the last two years flow has averaged about 0.60 MGD, the District requests that the upcoming NPDES permit renewal allow for a secondary discharge at Discharge Point 002 remain at 0.85 MGD.

The fact that pond capacity has not been an issue for many years is not new information. DMR data provided to the CVRWQCB shows that storage capacity has not been an issue for the District for over six years. The percolation rates achieved today are not the result of a miraculous event this year. Pond maintenance has been ongoing and has simply improved and evolved into the current SOP. The new management at the District is focused on the present and future and eagerly requests that the CVRWQCB shift their focus and resources from looking for "old issues" to impede the District and join the District in the present and look to the future to work with the District to achieve full compliance with the new permit rather than digging through old files in search of "new" violations.

As set forth above and in the District's October 27, 2014, comments, the District objects to the reduction in the District's average flow into the District's ponds from Discharge Point 002 and thereby did and does believe, based on current data, that the discharge limit to the District's percolation ponds via Discharge Point 002 should remain at the current level of 0.85 MGD. Because the Water Board has requested this additional information, these additional comments and data should be made part of the Administrative Record along with the comments submitted on October 27, 2014, for the public hearing on December 4 or 5, 2014, before the State Water Resources Quality Control Board.

Lastly, I want to recognize Aide Ortiz who has been exceptional in her efforts to assist me. I have no fear of calling her to ask any question. I value her guidance and respect her knowledge. She has patiently walked me through decision making processes and her feedback is positive even when she has to make a critical comment. Aide has gained my trust. I hope to achieve that same level of confidence with other CVRWQCB staff.

Sincerely,

James D. Anderson
GM and CPO




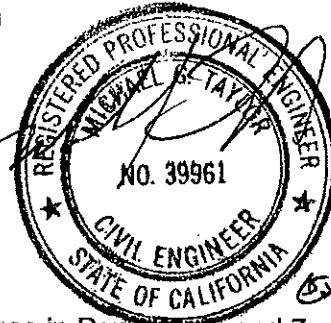
Engineering
Surveying
Planning
Environmental
GIS
Construction Services
Hydrogeology
Consulting

286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700 • Fax: (559) 449-2715
www.ppeng.com

FRESNO • CLOVIS • VISALIA • BAKERSFIELD • MODESTO • LOS BANOS • CHICO

MEMORANDUM

To: Malaga County Water District, Jim Anderson
From: Michael Taylor 
Subject: WWTP Water Balance
Date: October 24, 2014



Ex-P. 12-31-15

Based on the recent monitoring of actual water level changes in Ponds 5, 6, and 7, which were isolated during portions of the months of July through October, 2014, the estimated percolation rate in the wastewater disposal ponds is 1.66 inches per day. It is noted that the previous estimated percolation rate (from 2008) was 0.60 inches per day. This updated percolation rate demonstrates a significant improvement in pond percolation rates. This improvement is a direct result of Malaga County Water District commitment during the previous six (6) years to scrape and rip the disposal ponds at the WWTP.

When the percolation rate of 1.66 inches per day is applied to a 100 Year Rainfall Water Balance, the existing ponds at the WWTP may be able to dispose of approximately 1.085 mgd (see attached water balance).

It is noted that the percolation rate of the ponds will decrease with use as dust and other particulates will settle on the pond bottom. When a factor of 75 percent is applied to the measured percolation rate, a resulting conservative value is 1.24 inches per day. When the percolation rate of 1.24 inches per day is applied to the 100 Year Rainfall Water Balance, the existing ponds at the WWTP may be able to dispose of approximately 0.821 mgd (see attached water balance).

It is recommended that this information is reviewed and forwarded to the RWQCB for consideration in establishing discharge limits for the new Waste Discharge Requirements to be adopted for the facilities. The efforts taken by the District over the past six (6) years has had significant impact in improving the on-site disposal capacity at the site, as evidenced by the recent pond percolation tests.

Also attached with this memorandum is a spreadsheet that allows the District to readily check that the necessary Available Capacity in the disposal ponds is available prior to each winter. For example, information regarding freeboard in the disposal ponds as of October 22, 2014 have been entered into the table. The ponds presently have approximately 34,825,885 gallons of capacity available. The 100 Year Rainfall Water

Balance indicates that the District must have at least 13,700,000 gallons of available capacity. The actual available capacity greatly exceeds the minimum requirement.

In addition, please refer to the attached Table 1 that includes monthly influent flowrates. Based on the current influent flowrates, and an estimated annual growth rate of 2 percent, the Malaga County Water District would not rely upon discharge to the Central Canal for approximately 23 years. It is recommended that the flowrate projection is updated each calendar year.

It is recommended that the District continue the annual rotation of scraping and ripping the existing ponds. In addition, it is recommended that the District isolate a pond every two years and monitor the actual change of water level so as to be able to update the estimated pond percolation rate.

Based on the information associated with current pond percolation rates, it is recommended that the present discharge flowrate limitation of 0.85 mgd to the disposal ponds is still viable for the Malaga County Water District.

Please contact me if you need additional information or if you have any questions.

Thank you.

Malaga County Water District
Wastewater Treatment & Disposal Facilities
Estimated Capacity Wastewater Disposal - 100 Year Rainfall Water Balance, Discharge and Storage

WWTF POND CALCULATIONS:

Month	Number of Days per Month	100 Yr. Rainfall ^{1/} (in/month)	100 Yr. Evaporation ^{2/} (in/month)	Discharge to canal	MSD
January	31	5.14	0.90		0
February	28	3.70	1.46		23.24 acres
March	31	4.53	2.09		186.9 ac-ft
April	30	2.76	3.71		1.96 in/day
May	31	0.01	6.21		acres
June	30	0.31	8.85		0.0 ac-ft
July	31	0.00	5.14		1.00 in/day
August	31	0.00	6.59		185.9 ac-ft
September	30	1.10	4.68		6,622.22 gal.
October	31	1.59	3.09		acres
November	30	3.16	1.20		0.0 ac-ft
December	31	1.59	0.85		0.0 ac-ft
Total	365	23.88	46.17		23.2 acres

Month	Effluent Produced (gal/month)	Effluent To Canal (gal/month)	Effluent to Ponds (gal/month)	Surface Rainfall ^{14/} (gal/month)	Surface Evaporation ^{15/} (gal/month)	Pond Percolation ^{21/} (gal/month)	Monthly Change in Storage (gal/month)	Required Storage Capacity ^{22/} (gal)
January	33,635,000	0	33,635,000	3,243,877	587,858	32,474,838	3,586,980	9,030,702
February	30,390,000	0	30,390,000	2,324,843	971,858	29,331,891	2,487,858	10,482,358
March	33,635,000	0	33,635,000	2,858,727	1,318,927	32,474,838	2,700,182	13,182,520
April	32,650,000	0	32,650,000	1,741,741	2,341,254	31,427,089	523,418	13,715,838
May	33,635,000	0	33,635,000	8,311	3,918,918	32,474,838	(2,732,245)	10,963,893
June	33,635,000	0	33,635,000	195,000	4,322,800	31,427,089	(3,004,239)	7,959,454
July	33,635,000	0	33,635,000	0	5,136,874	32,474,838	(3,978,512)	3,969,542
August	32,650,000	0	32,650,000	684,172	2,953,397	31,427,089	(3,250,737)	732,165
September	33,635,000	0	33,635,000	997,084	1,949,883	32,474,838	207,463	207,463
October	32,650,000	0	32,650,000	1,094,167	757,279	31,427,089	2,596,819	2,596,819
November	33,635,000	0	33,635,000	1,003,394	1,003,394	32,474,838	1,627,350	4,184,822
December	33,635,000	0	33,635,000	1,003,394	1,003,394	32,474,838	1,627,350	4,184,822
Total	336,350,000	0.0	336,350,000	12,115.4	23,329.2	313,267.3	-464.2	Start at 0 Stored
								September 31st
								464,129

Maximum Required Storage	13,715,838
Total Storage Available ^{23/}	60,582,302 gal
Extra Storage	46,866,464 gal
Total Effluent Production ^{24/}	336,350,000 gal
Total Effluent Exported ^{25/}	0 gal
Total Surface Rainfall ^{14/}	15,069,846 gal
Total Evaporation ^{15/}	29,136,332 gal
Total Percolation ^{21/}	392,362,873 gal
Effluent Applied to Crops ^{26/}	0 gal
Check Balance ^{27/}	396,429,129 gal

1/ Rainfall Data per the Western Regional Climate Center.
 2/ Evaporation data per WRCC X 0.75
 3/ Design Capacity Effluent Production
 4/ Total existing wet area of the existing lagoons.
 5/ Surface Rainfall = Volume of rainfall and rain water originating from the existing WWTF treatment and disposal ponds.
 6/ Surface Evaporation = Volume of effluent and rain water percolating into the ground for existing ponds 1 through 6.
 7/ Pond Percolation = Volume of effluent and rain water percolating into the ground for existing ponds 1 through 6.
 8/ Required Storage = Theoretical starting point Sept. 1st where pond storage starts at zero with monthly contributions.
 9/ Maximum Storage Needed = Peak end of month pond storage volume needed (gallons & ac-ft).
 10/ Storage Available from all ponds = Total volume of available storage.
 11/ Check Balance = Comparison of this value with total wastewater processed.

Updated: 10/24/14
 Print Date: 10/20/14



Malaga County Water District
Wastewater Treatment & Disposal Facilities
Estimated Capacity Wastewater Disposal - 100 Year Rainfall Water Balance, Discharge and Storage

WWTP POND CALCULATIONS:

Month	Number of Days per Month	100 Yr. Rainfall ^{1/} (in/month)	100 Yr. Evaporation ^{2/} (in/month)	Discharge to canal	MGD	acres
January	31	5.14	0.20		0	0
February	28	3.70	1.46		0	0
March	31	4.53	2.05		0	0
April	30	2.76	3.71		0	0
May	31	0.01	6.21		0	0
June	30	0.31	6.85		0	0
July	31	0.00	8.14		0	0
August	31	0.00	9.99		0	0
September	30	1.10	4.88		0	0
October	31	1.65	3.05		0	0
November	30	3.16	1.20		0	0
December	31	1.59	0.85		0	0
Total	365	23.95	48.17			

Effluent Produced (gal/month)	Effluent To Canal (gal/month)	Effluent to Ponds (gal/month)	Surface Rainfall ^{1/} (gal/month)	Surface Evaporation ^{2/} (gal/month)	Pond Percolation ^{3/} (gal/month)	Monthly Change In Storage (gal/month)	Required Storage Capacity ^{2a/} (gal)
25,451,000	0	25,451,000	3,243,877	567,959	24,298,163	3,686,665	8,159,554
22,985,000	0	22,985,000	2,354,843	827,356	21,910,659	2,460,988	10,650,542
25,451,000	0	25,451,000	2,853,727	1,313,927	24,288,163	2,732,637	13,933,179
24,630,000	0	24,630,000	1,741,741	2,341,254	23,475,642	554,845	13,833,024
25,451,000	0	25,451,000	6,211	3,818,916	24,288,163	(2,719,170)	11,219,254
24,630,000	0	24,630,000	1,953,630	0	23,475,642	(2,872,512)	9,245,442
25,451,000	0	25,451,000	0	5,136,874	24,288,163	(3,944,037)	4,301,485
25,451,000	0	25,451,000	0	4,411,149	24,288,163	(3,241,312)	1,083,083
24,630,000	0	24,630,000	854,172	2,953,357	23,475,642	(1,104,857)	0
25,451,000	0	25,451,000	997,084	1,949,898	24,288,163	239,928	239,928
24,630,000	0	24,630,000	1,964,161	757,219	23,475,642	2,391,248	2,631,174
25,451,000	0	25,451,000	1,003,394	588,406	24,288,163	1,658,925	4,290,988
Total (gal)	919.6	0.0	15,095,244	25,128,242	78,835,328	-21,764	Start of 9 Storage
Total (ac-ft)	919.6	0.0	46.2	89.4	876.5	-21,764	September 1st

1/ Rainfall data per the Western Regional Climate Center.
 2/ Evaporation data per WRCC X 0.75
 3/ Design Capacity Effluent Production
 4/ Total existing wet area of the existing lagoons.
 5/ Total existing wet area of the existing WWTP treatment and disposal ponds.
 6/ Surface Rainfall = Volume of 100 Year rainfall on the existing WWTP treatment and disposal ponds and proposed storage ponds.
 7/ Surface Evaporation = Volume of effluent and rain water evaporating from the existing WWTP treatment and disposal ponds.
 8/ Pond Percolation = Volume of effluent and rain water percolating into the ground for existing ponds 1 through 8.
 9/ Required Storage = Theoretical storage pond Sept. 1st where pond storage exists at zero with monthly contributions.

10/ Maximum Storage Needed = Peak end of month pond storage volume needed (gallons & ac-ft).
 11/ Storage Available from all ponds = Total volume of available storage.
 12/ Check Balance = Comparison of this value with total wastewater processed.

Maximum Required Storage	13,936,024
Total Storage Available ^{11/}	60,552,302 gal
Excess Storage ^{12/}	46,616,278 gal
Total Effluent Production ^{3/}	299,635,000 gal
Total Effluent Evaporation ^{2/}	0 gal
Total Surface Rainfall ^{6/}	15,099,948 gal
Total Evaporation ^{7/}	25,136,302 gal
Total Percolation ^{8/}	285,620,308 gal
Effluent Applied to Crop ^{9/}	0 gal
Check Balance ^{12/}	298,688,784 gal

Malaga County Water District
 Available Disposal Pond Capacity as of October 22, 2014

Pond	Freeboard (ft)	Available Depth (ft)	Acreage (acres)	Available Capacity (acre-ft)	Available Capacity (gal)	Total Depth (ft)
1	2.5	0.5	1.29	0.645	210,160	8
2	8	6	0.76	4.56	1,485,779	8
3	8	6	2.59	15.54	5,063,380	8
4	8	6	2.5	15	4,887,432	8
5	3.2	1.2	3.07	3.684	1,200,353	8
6	5.5	3.5	4.29	15.015	4,892,319	8
7	8	6	4.79	28.74	9,364,320	8
8	8	6	3.95	23.7	7,722,143	8
Total			23.24	106.884	34,825,885	

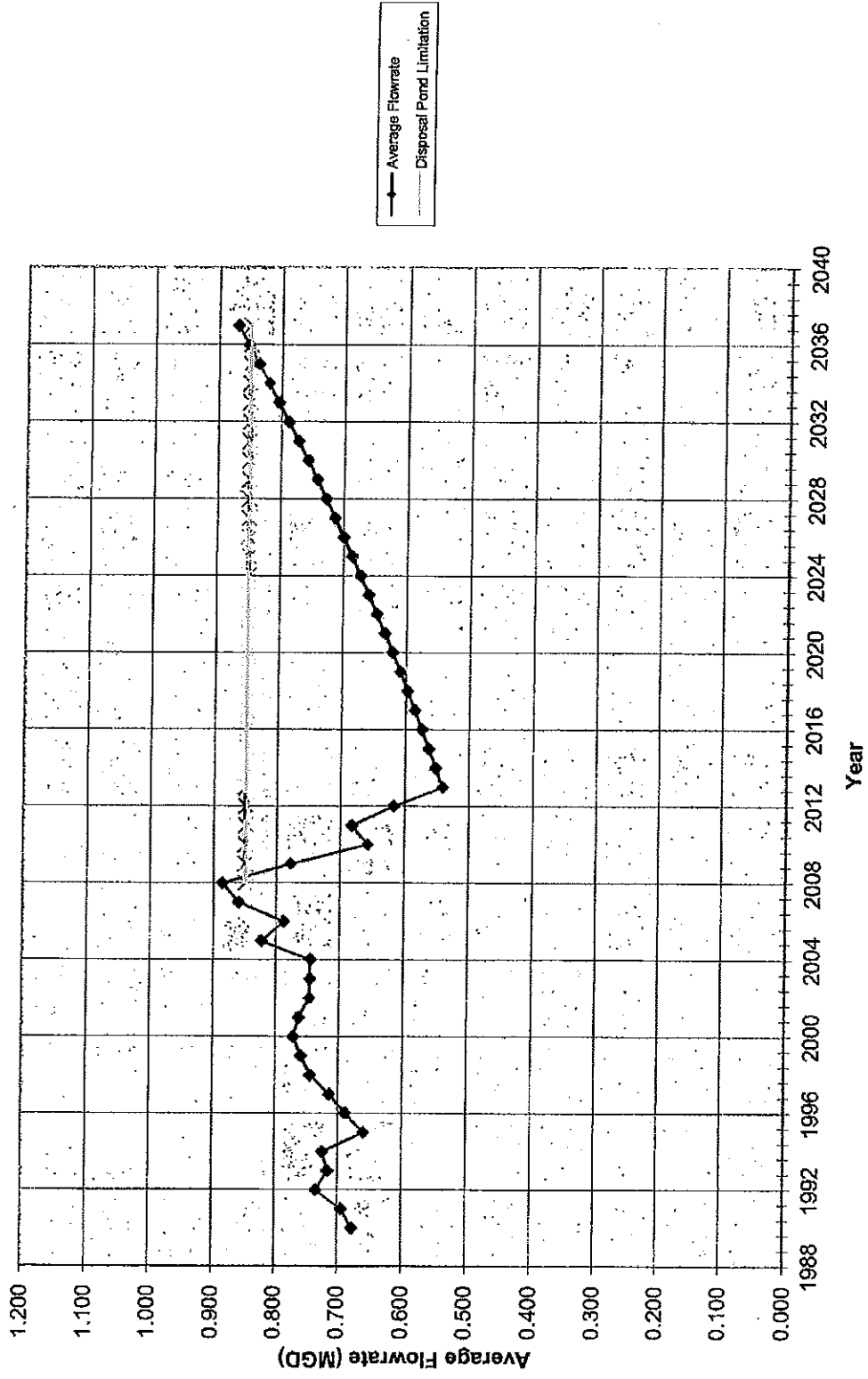
Note: A minimum of 2 ft. of freeboard is required. 2 ft. freeboard equates to 0 AF available capacity.

TABLE 1

MALAGA COUNTY WATER DISTRICT
 WASTEWATER TREATMENT PLANT
 MONITORING AND REPORTING PROGRAM NO. 2008-0023
 NPDES NO. CA 1084239

YEAR	AVERAGE FLOWRATE	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEP		OCT		NOV		DEC	
		31	31	28	31	30	31	30	31	30	31	30	31	30	31	30	31	30	31	30	31	30	31	30	31
1990	0.677	0.660	0.667	0.654	0.610	0.610	0.688	0.709	0.682	0.664	0.679	0.726	0.741	0.632											
1991	0.694	0.642	0.651	0.654	0.687	0.684	0.697	0.682	0.703	0.728	0.712	0.713	0.731												
1992	0.735	0.727	0.741	0.735	0.681	0.679	0.740	0.753	0.768	0.743	0.768	0.756	0.728												
1993	0.716	0.727	0.720	0.724	0.721	0.715	0.703	0.705	0.712	0.714	0.703	0.709	0.734												
1994	0.724	0.748	0.739	0.743	0.745	0.740	0.739	0.737	0.731	0.722	0.705	0.663	0.636												
1995	0.690	0.638	0.635	0.621	0.614	0.626	0.635	0.641	0.695	0.689	0.694	0.709	0.689												
1996	0.698	0.671	0.680	0.676	0.690	0.690	0.689	0.692	0.691	0.686	0.694	0.694	0.705												
1997	0.714	0.686	0.681	0.681	0.690	0.704	0.715	0.711	0.740	0.756	0.722	0.734	0.749												
1998	0.745	0.744	0.743	0.737	0.772	0.755	0.755	0.738	0.775	0.740	0.739	0.706	0.749												
1999	0.760	0.753	0.753	0.735	0.746	0.795	0.762	0.778	0.780	0.770	0.770	0.760	0.738												
2000	0.772	0.723	0.744	0.738	0.754	0.783	0.787	0.772	0.808	0.770	0.770	0.751	0.751												
2001	0.763	0.775	0.771	0.701	0.810	0.785	0.780	0.750	0.770	0.773	0.759	0.797	0.810												
2002	0.748	0.742	0.750	0.737	0.748	0.745	0.737	0.746	0.740	0.755	0.754	0.753	0.756												
2003	0.747	0.752	0.752	0.737	0.780	0.740	0.746	0.758	0.742	0.740	0.750	0.747	0.745												
2004	0.746	0.760	0.760	0.722	0.717	0.734	0.760	0.760	0.750	0.750	0.770	0.750	0.750												
2005	0.823	0.860	0.797	0.772	0.770	0.763	0.870	0.860	0.862	0.864	0.864	0.864	0.700												
2006	0.788	0.740	0.740	0.750	0.744	0.757	0.806	0.806	0.849	0.852	0.852	0.778	0.700												
2007	0.860	0.785	0.820	0.805	0.867	0.770	0.864	1.001	0.960	0.960	1.020	0.798	0.752												
2008	0.887	0.990	0.840	0.760	0.760	0.909	0.970	0.955	0.949	0.905	0.823	0.746	0.763												
2009	0.778	0.830	0.800	0.820	0.740	0.800	0.900	0.830	0.750	0.800	0.800	0.870	0.680												
2010	0.858	0.812	0.431	0.850	0.580	0.640	0.720	0.740	0.710	0.740	0.730	0.710	0.710												
2011	0.663	0.670	0.640	0.690	0.630	0.630	0.680	0.680	0.610	0.610	0.610	0.640	0.620												
2012	0.618	0.630	0.600	0.630	0.630	0.630	0.680	0.680	0.640	0.640	0.610	0.590	0.540												
2013	0.541	0.560	0.450	0.520	0.570	0.560	0.530	0.600	0.610	0.610	0.550	0.560	0.490												
2014	0.552																								
2015	0.563																								
2016	0.574																								
2017	0.585																								
2018	0.597																								
2019	0.609																								
2020	0.621																								
2021	0.634																								
2022	0.646																								
2023	0.659																								
2024	0.673																								
2025	0.686																								
2026	0.700																								
2027	0.714																								
2028	0.728																								
2029	0.743																								
2030	0.757																								
2031	0.773																								
2032	0.788																								
2033	0.804																								
2034	0.820																								
2035	0.836																								
2036	0.853																								
2037	0.870																								

Malaga County Water District Wastewater Treatment Plant Flowrates



MCWD Pond Capacity Matrix

Report Date Comments
17-Nov-14

	Pond Area	Freeboard Capacity (6')		Freeboard Capacity (6')		Volume/Inch	
	Acres	MG	Acre-Ft	MG	MG	MG	MG
Pond 1	1.31	2.5610	7.86	0.035570			
Pond 2	0.92	1.7986	5.52	0.024980			
Pond 3	4.33	8.4650	25.98	0.117570			
Pond 4	2.13	4.1660	12.79	0.057862			
Pond 5	2.12	4.1524	12.74	0.057672			
Pond 6	4.40	8.6019	26.40	0.119471			
Pond 7	4.30	8.4064	25.80	0.116755			
Pond 8	3.40	6.6469	20.40	0.092318			
Total All Ponds	22.92	44.7982	137.49	0.622197			
<hr/>							
	Pond Level	Pond Volume	% Freeboard		% Freeboard		
	Inches	MG	Capacity in Use	Capacity Available	Capacity Available		
Pond 1	0	0.000000	0.0%	100.0%	100.0%		
Pond 2	0	0.000000	0.0%	100.0%	100.0%		
Pond 3	42	4.937935	58.3%	41.7%	In service		
Pond 4	36	2.083024	50.0%	50.0%	Isolated and percolating		
Pond 5	12	0.692060	16.7%	83.3%	Isolated and percolating		
Pond 6	0	0.000000	0.0%	100.0%	100.0%		
Pond 7	0	0.000000	0.0%	100.0%	100.0%		
Pond 8	0	0.000000	0.0%	100.0%	100.0%		
Total All Ponds	0	7.713019	17.2%	82.8%			

MCWD Pond Capacity Matrix

Report Date Comments

	Pond Area		Freeboard Capacity (6')		Freeboard Capacity (6')		Volume/Inch	
	Acres	MG	Acres-Ft	MG	MG	MG		
Pond 1	1.31	2.5610	7.86	0.035570				
Pond 2	0.92	1.7986	5.52	0.024980				
Pond 3	4.33	8.4650	25.98	0.117570				
Pond 4	2.13	4.1660	12.79	0.057862				
Pond 5	2.12	4.1524	12.74	0.057672				
Pond 6	4.40	8.6019	26.40	0.119471				
Pond 7	4.30	8.4064	25.80	0.116755				
Pond 8	3.40	6.6469	20.40	0.092318				
Total All Ponds	22.92	44.7982	137.49	0.622197				
	Pond Level	Pond Volume	% Freeboard	% Freeboard	Capacity Available			
	Inches	MG	Capacity in Use	Capacity Available				
Pond 1	0	0.000000	0.0%	100.0%	100.0%			
Pond 2	0	0.000000	0.0%	100.0%	100.0%			
Pond 3	0	0.000000	0.0%	100.0%	100.0%			
Pond 4	0	0.000000	0.0%	100.0%	100.0%			
Pond 5	0	0.000000	0.0%	100.0%	100.0%			
Pond 6	0	0.000000	0.0%	100.0%	100.0%			
Pond 7	0	0.000000	0.0%	100.0%	100.0%			
Pond 8	0	0.000000	0.0%	100.0%	100.0%			
Total All Ponds	0	0.000000	0.0%	100.0%	100.0%			



SOP for Pond Maintenance and Monitoring

1. Weekly pond level readings in inches shall be taken and entered into the Pond Capacity Matrix to determine pond volume in MG, pond capacity in use, and pond capacity available.
2. Weekly totals from the Pond Capacity Matrix shall be entered on the Weekly Pond Monitoring report. The Weekly Pond Monitoring report shall be an attachment to the monthly DMR to supplement the pond data submitted in the DMR.
3. Ponds shall be operated one at a time. When the pond in service reaches 100% freeboard capacity, it shall be taken offline and isolated to collect percolation and evaporation data. A new pond shall be selected for all secondary effluent.
4. The pond taken offline to collect percolation and evaporation data shall be isolated and have a measuring stick implanted to record daily level. When that pond completely empties the data shall be used to calculate the percolation/evaporation rate of the pond.
5. When a pond reaches a percolation/evaporation rate of less than 1.5 inches/day it shall be taken out of service, allowed to dry, and disked with the tractor and disc. If the same pond fails to achieve a percolation/evaporation rate of 1.5 inches/day or greater the next time it is isolated and monitored ~~tries~~, the pond shall be taken out of service for scraping and ripping.
6. If total pond volume is equal to or greater than 50% of total freeboard capacity, the District Engineer shall perform a calculation from all percolation/evaporation data and secondary effluent flow data to determine the volumerate of tertiary discharge required to not exceed total pond capacity freeboard limits.
7. Based upon the District Engineer's calculation above, a determination shall be made when and at what rate tertiary discharge shall begin. Consideration will be made to coincide tertiary discharge with Fresno Irrigation District water delivery through Central Canal.
8. The monthly DMR cover letter shall explain any requirements for tertiary discharge and the rate and timing of anticipated tertiary discharge.

8.9. The District will, as part of its budget process, provide sufficient funding to perform disposal pond monitoring and maintenance as required by this SOP.

EXHIBIT H

LATE REVISIONS – 4 December 2014

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

Waste Discharge Requirements/NPDES Permit:

Attachment F – Fact Sheet, Section II.B.3

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

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

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

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

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

Cease and Desist Order
Finding No. 26

Page 6, edit as follows:

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

Page 7, edit as follows:

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

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

Page 9, edit as follows:

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

26 November 2014

1 **PROOF OF SERVICE**

2 The undersigned declares:

3 I, Julia Sellers, the undersigned, declare that:

4 I am employed in the County of Fresno, State of California. I am over the age of
5 eighteen years, and am not a party to the within action. My business address is 575 E.
6 Locust Avenue, Suite 115, Fresno California 93720.

7 I am familiar with the regular mail collection and processing practice of said
8 business, and in the ordinary course of business the mail is deposited with the United
9 States Postal Service that same day.

10 On this date, December 31, 2014, I served the foregoing documents described
11 as:

12 **PETITION FOR REVIEW; PRELIMINARY POINTS AND AUTHORITIES IN
13 SUPPORT OF PETITION**

14 on all parties to this action by causing a true copy thereof to be:

- 15 Telecopied Via Facsimile
- 16 Placed in a sealed envelope with postage thereon fully prepaid in the
17 designated area for outgoing mail
- 18 Delivered by Hand by Process Server, Attorney's Diversified Services
- 19 Sent Via Overnight Delivery (see below)
- 20 Sent Via Electronic Mail

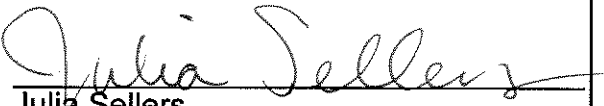
21 as addressed below:

22 Pamela C. Creedon, Executive Officer
23 California Regional Water Quality Control
24 Board, Central Valley Region
25 1685 "E" Street
26 Fresno, CA 93706
27 (via U.S. Mail)

28 State Water Resources Control Board
Office of Chief Counsel
Jeanette L. Bashaw, Legal Analyst
P.O. Box 100
Sacramento, CA 95812-0100
jbashaw@waterboards.ca.gov
(via Overnight Mail & Email)

I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

Date: December 31, 2014


Julia Sellers

1 Neal E. Costanzo SBN 122352
Michael G. Slater SBN 247302
2 Costanzo & Associates
A Professional Corporation
3 575 E. Locust Avenue, Suite 115
Fresno CA 93720
4 Telephone: (559) 261-0163
Facsimile: (559) 261-0706
5

6 Attorneys for Malaga County Water District
7
8

9 **STATE WATER RESOURCES CONTROL BOARD**
10

11
12 In the Matter of Malaga County Water
District, Wastewater Treatment Facility
13 (WWTF)

Hearing Date: December 4, 2014

14 Order R5-2014-0145 Reissuing
Malaga WDR (NPDES Permit No.
15 CA0084239) Cease and Desist Order
R5 2014-0146
16

17
18
19
20
21 **REQUEST FOR STAY AND DECLARATION IN SUPPORT THEREOF**
22
23
24
25
26
27
28

1 Irrigation District. Flow in the central canal is subject to irrigation water deliveries, is
2 seasonal and uncertain. (See, Costanzo Decl. at para. 10). Furthermore, it is the goal of
3 the District not to discharge into the central canal unless absolutely necessary at the
4 request of the Fresno Irrigation District. Typically, Malaga can only discharge into the
5 central canal two to six months in any given year subject to change. The District did not
6 discharge into the central canal in 2014. (See, Costanzo Decl. at para. 11). On average,
7 the District discharges approximately 0.55 mgd of treated wastewater into its disposal
8 ponds per day. If the stay is not granted, before February 1, 2015, the District will be in
9 violation of its Permit from the effective day of the Permit as the District's current discharge
10 0.55 mgd exceeds the new discharge limit of 0.49 mgd. The District would be irreparably
11 harmed by being in violation of the Permit from the effective date of the Permit in that the
12 District would be subject to penalties, fines, injunctions, or other enforcement actions by
13 the CVRB due to either exceeding its discharge limit into its percolation ponds, or by
14 discharging into the central canal when there is no water flowing in the central canal. The
15 only other alternative, which is not an alternative at all, would be to reduce inflow into the
16 District's wastewater treatment facility which could result in an immediately threat to the
17 health and safety of the public. All of this would take place while the District has ample
18 capacity available in its percolation ponds. Any fines, penalties, or other enforcement
19 actions would be incurred, and accrue, during the pendency of the Petition.

20 B. THERE WILL BE NO SUBSTANTIAL HARM TO OTHER INTERESTED
21 PERSONS AND TO THE PUBLIC INTERESTS IF THE STAY IS GRANTED.

22 As set forth above, in the Petition, which is incorporated herein by this reference and
23 in the District's evidence produced at and before the public hearing on the proposed
24 adoption of the Permit, the District has sufficient capacity to operate for the next 23 years
25 without any discharge into the central canal. (Costanzo Decl. at para. 13). Furthermore,
26 based on the fact that the District has operated under the 0.85 mgd limit under its prior
27 Permit which expired on March 14, 2013, there is obviously no urgency in adopting this
28 new, lower discharge limit, by the CVRB. Based on the foregoing, particularly the fact that

1 under current operating conditions, the District will be able to discharge all of its treated
2 wastewater into its percolation ponds without reaching its free-board limit and without
3 discharging into the central canal for the next 23 years, there is no risk of any harm to other
4 interested persons or to the public interests if the stay is granted.

5 C. THERE ARE SUBSTANTIAL QUESTIONS OF FACT OR LAW REGARDING
6 THE DISPUTED ACTION.

7
8 **DECLARATION OF NEAL E. COSTANZO IN SUPPORT OF STAY**
9 **OF ORDERS R5-2014-0145 AND R5-2014-0146**

10 I, Neal E. Costanzo, declare as follows:

11 1. That I am an attorney licensed to practice law in all of the courts in the State
12 of California.

13 2. I represent the Malaga County Water District ("District") as its general
14 counsel.

15 3. I represented the District at the CVRB's public hearing concerning the
16 renewal of the District's NPDES Permit and proposed CDO on December 4, 2014.

17 4. On December 4, 2014, the CVRB approved Orders R5-2014-0145 ("Permit")
18 and R5-2014-0146 ("CDO"). The District's prior Permit, R5-2008-0033, expired on
19 March 14, 2013.

20 5. On December 31, 2014, the District filed a Petition for Review of the adoption
21 of the Permit and CDO.

22 6. The Permit and CDO are effective February 1, 2015.

23 7. Provision IV(A)(1)(b) of the Permit limits the District's secondarily treated
24 wastewater discharge into its percolation ponds to 0.49 mgd. This is a reduction from the
25 prior Permit which allowed 0.85 mgd.

26 8. Provision IV(A)(1)(a) of the Permit limits discharge of tertiary treated water
27 from discharge .001 into the central canal to 0.45 mgd.

28 9. Provision VI(C)(6)(b) prohibits discharge from discharge .001 into the central

1 canal when the flow in the canal provides less than a 20:1 dilution ratio effectively
2 prohibiting discharge into the central canal unless water is running in the canal.

3 10. The central canal is owned and operated by the Fresno Irrigation District and
4 the flow of water in the canal is subject to agricultural deliveries and is seasonal and
5 uncertain. Typically, there is water flowing in the canal two to six months each year but this
6 is subject to change.

7 11. It is the intention of the District to not discharge into the central canal unless
8 absolutely necessary and to develop a plan to cease all discharge into the central canal
9 as requested by the Fresno Irrigation District. The District did not discharge into the central
10 canal in 2014.

11 12. On average, the District currently discharges approximately 0.55 mgd of
12 secondarily treated wastewater into its percolation ponds.

13 13. Before and after the December 4, 2014, hearing, the District submitted
14 undisputed evidence and testimony that the District's percolation ponds could accept up
15 to 0.85 mgd. That evidence and testimony is attached to the Petition and/or part of the
16 administrative record. The report of the District's Engineer states that under current and
17 projected conditions, the District would not have to discharge into the central canal for at
18 least 23 years without exceeding the percolation ponds free board limit. (See, Ex. G to the
19 Petition). None of the evidence that was submitted by the District was disputed at the
20 hearing. The CVRB staff and Board simply failed to consider the evidence submitted by
21 the District as stated in late revisions to the staff report. (See, Ex. H).

22 14. The Petition raises numerous legal and factual challenges to the actions
23 taken by the CVRB on and related to the December 4, 2014, adoption of Orders R5-2014-
24 0145 and R5-2014-0146. The questions of law and fact raised in the Petition include, but
25 are not limited to, the denial of the District's due process rights by the CVRB, the adoption
26 of the new Permit without any evidence or substantial evidence, the failure of the CVRB
27 to consider evidence submitted by the District which directly contradicted the findings
28 contained in the Order, the failure of the CVRB to make findings as required by the Water

1 Board's procedures (23 CCR §648, et seq., and the Administrative Procedures Act,
2 Government Code §11400, et seq.), and the improper delegation of CVRB authority to its
3 Executive Director.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Respectfully submitted,

7

8

COSTANZO & ASSOCIATES

9

10 Dated: December ____, 2014

By: _____

11

Neal E. Costanzo
Attorneys for Plaintiff

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **PROOF OF SERVICE**

2 The undersigned declares:

3 I, Julia Sellers, the undersigned, declare that:

4 I am employed in the County of Fresno, State of California. I am over the age of
5 eighteen years, and am not a party to the within action. My business address is 575 E.
6 Locust Avenue, Suite 115, Fresno California 93720.

7 I am familiar with the regular mail collection and processing practice of said
8 business, and in the ordinary course of business the mail is deposited with the United
9 States Postal Service that same day.

10 On this date, December 31, 2014, I served the foregoing documents described
11 as:

12 **REQUEST FOR STAY AND DECLARATION IN SUPPORT THEREOF**

13 on all parties to this action by causing a true copy thereof to be:

- 14 Telecopied Via Facsimile
- 15 Placed in a sealed envelope with postage thereon fully prepaid in the
16 designated area for outgoing mail
- 17 Delivered by Hand by Process Server, Attorney's Diversified Services
- 18 Sent Via Overnight Delivery (see below)
- 19 Sent Via Electronic Mail

20 as addressed below:

21 Pamela C. Creedon, Executive Officer
22 California Regional Water Quality Control
23 Board, Central Valley Region
24 1685 "E" Street
25 Fresno, CA 93706
26 (via U.S. Mail)

27 State Water Resources Control Board
28 Office of Chief Counsel
Jeanette L. Bashaw, Legal Analyst
P.O. Box 100
Sacramento, CA 95812-0100
jbashaw@waterboards.ca.gov
(via Overnight Mail & Email)

29 I declare under penalty of perjury under the laws of the State of California that
30 the foregoing is true and correct.

31 Date: December 31, 2014

32 
33 _____
34 Julia Sellers