

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition )  
of Jack W. Greening for Review )  
of Order No. 74-468 (NPDES )  
Permit No. CA0004065) of the )  
California Regional Water Quality )  
Control Board, Central Valley )  
Region. )

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Order No. WQ 75-24

BY THE BOARD:

On January 27, 1975, Jack W. Greening (petitioner) filed his amended petition with the State Water Resources Control Board (State Board) requesting review of Order No. 74-468 (NPDES Permit No. CA0004065) of the California Regional Water Quality Control Board, Central Valley Region (Regional Board). Order No. 74-468 was adopted on October 24, 1974, and prescribed waste discharge requirements for Simpson Lee Paper Company (Company) at its Anderson plant.

I. Background

Simpson Lee Paper Company operates a Kraft pulp and paper mill located near Anderson, California. The existing mill discharges some 10 mgd of treated effluent into the Sacramento River. Prior to the issuance of Order No. 74-468, the waste discharge of the Company was subject to discharge requirements set forth in Order No. 73-172 (NPDES Permit No. CA0004065) adopted by the Regional Board on February 23, 1973.

The Company contemplated an expansion of its Anderson operations to approximately triple its existing production capacity. The proposed expansion involved an increase in wastewater production to approximately 17.8 mgd. As a part of its proposed project, the Company planned to provide improved waste treatment and some modification in its disposal operations.

While a number of discharges will be involved in the expanded Anderson operation, the primary discharges proposed included a discharge of up to 10 mgd to the Sacramento River during periods of low flow. Up to an additional 7 mgd of treated wastewater would be discharged to a large parcel of land adjacent to the Sacramento River during such periods of low flow. During flood stages, the Company proposed to discharge the entire 17.8 mgd to the River.

On October 24, 1974, after hearing, the Regional Board adopted Order No. 74-468 prescribing waste requirements for the proposed operation.<sup>1</sup>

The petitioner owns in excess of 1,000 acres located downstream from and adjacent to the Company's property. Petitioner's property is presently utilized for agricultural purposes, including cultivation of prune and walnut trees and other crops. Petitioner contends, on a number of grounds, that the terms and provisions of Order No. 74-468 are inappropriate and improper.

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<sup>1</sup> Order No. 74-468 will become effective only when production at the Anderson mill is increased by 10 percent or more. Until that time, the petitioner's Anderson operations continue subject to the waste discharge requirements of Order No. 73-172.

## II. Contentions and Findings

1. Contention: The self-monitoring program of Order No. 74-468 is inadequate because reporting requirements will permit up to 45 days to pass before the Regional Board can become aware of any violation of waste discharge requirements.

Findings: The monitoring program required by Order No. 74-468 calls, in part, for monthly monitoring of Boron, Selenium, Sodium Adsorption Ratio (SAR), and weekly monitoring of Specific Conductance and Chlorides. Samples are taken from monitoring wells at the land disposal boundary. The results are to be tabulated and submitted to the Regional Board by the 15th of the following month.

The record indicates that no waste effluent will be discharged for land irrigation within approximately 1,600 feet of Blue Jay Lane. This Lane marks the easterly boundary of the Company's property and the petitioner's orchards. Due to the groundwater contours in the area, effluent applied at the boundary of the proposed land disposal site will actually have to travel approximately 2,400 feet before reaching Blue Jay Lane, and the effluent is actually expected to reach the Sacramento River before crossing Blue Jay Lane. In any event, groundwater movement in the area involved is approximately 23 feet per day. At this rate of movement, effluent applied at the proposed disposal site would not reach the petitioner's property for 70 to 104 days. Monthly reporting under these circumstances should give adequate warning of violations of requirements.

At the same time, we recognize that, in the event of violation of requirements, necessary mitigating measures may take some time to implement. It is reasonable that some means should exist to warn of any gross violations of requirements shortly after they occur. It appears that problems may occur in cultivation of walnut trees if the following constituent limits in water supply are exceeded:<sup>/2</sup>

<u>Constituent</u>	<u>Value Not To Be Exceeded</u>
Boron	1.5 mg/l
Sodium Adsorption Ratio (SAR)	6
Specific Conductance	2,500 micromhos/cm

The Company should be required to report within 72 hours samples which indicate the probability of excess of these constituent values so that sufficient time is available to take appropriate remedial action.

2. Contention: It is unrealistic to expect the Company to honestly abide by its self-monitoring program. Petitioner contends that the State should perform the monitoring at the expense of the Company.

Finding: The self-monitoring program has been applied in California since added to the Dickey Act in 1951 with some degree of success. Dischargers must submit monitoring reports under penalty of perjury. [Water Code Section 13267(b)]. Falsification of reports or inaccurate reporting is subject to severe monetary

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<sup>/2</sup> See "Guidelines for Interpretation of Water Quality for Agriculture", University of California Committee of Consultants Report, January 27, 1975.

and criminal penalties. [Water Code Section 13387(b)]. The Company's water laboratory has been certified by the California Department of Health to conduct wastewater analyses.

In addition, the Regional Board does conduct routine compliance monitoring checks at the Anderson mill. The purpose of the checking program is to insure accurate reporting and to verify self-monitoring results. The contention that continual state monitoring is necessary is not supported by available facts.

3. Contention: The Company should be required to install subsurface drains to preclude a rise in the groundwater table.

Finding: As previously indicated, available hydrologic data indicates that effluent applied to the proposed land disposal site will percolate to the Sacramento River before crossing Blue Jay Lane. During the operation of the limited initial application, information will be obtained which will allow better assessment of any possible problems from the proposed disposal operation. In the event difficulties do arise associated with rising groundwater, there are possible alternatives other than subsurface drains to alleviate the problems. We should point out, however, that while waste discharge requirements necessary to protect water quality will be imposed and enforced, we are prohibited from specifying "the design, location, type of construction or particular manner in which compliance may be had" with requirements, except with respect to very limited situations. (See Water Code Section 13360).

4. Contention: The Company cannot meet the waste discharge requirements of Order No. 74-468 and, upon violation, adequate enforcement will not be possible.

Finding: As we have pointed out in cases of similar allegations, <sup>3</sup> there is obviously always a possibility that a discharger will not meet waste discharge requirements. It is, however, the responsibility of the discharger to meet the appropriate requirements, there is reasonable ground in this case to believe that the Company will meet its requirements, and possible sanctions for violation of requirements are numerous and adequate. Both the Regional Board and the State Board will take all necessary and appropriate steps to see that this discharger, as well as all other dischargers, comply with requirements.

### III. Conclusions

After review of the entire record, and for the reasons heretofore expressed, we conclude that the action of the Regional Board in adopting Order No. 74-468 was appropriate and proper, except that the following reporting requirement should be added to the self-monitoring program for Order No. 74-468 by the Executive Officer of the Regional Board.

"The discharger shall notify the Regional Board within seventy-two (72) hours if samples from monitoring wells located at the south and southwest boundary of the land disposal site exceed the following values:

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<sup>3</sup> See Order No. WQ 75-8.

Boron 1.5 mg/l  
Sodium Adsorption Rate (SAR) 6  
Specific Conductance 2,500 micromhos/cm

IV. Order

IT IS HEREBY ORDERED that Order No. 74-468 is remanded to the California Regional Water Quality Control Board for amendment of the monitoring programs in accordance with this order.

Dated: **SEP 18 1975**

/s/ W. W. Adams  
W. W. Adams, Chairman

/s/ W. Don Maughan  
W. Don Maughan, Vice Chairman

/s/ Roy E. Dodson  
Roy E. Dodson, Member

/s/ Jean Auer  
Jean Auer, Member