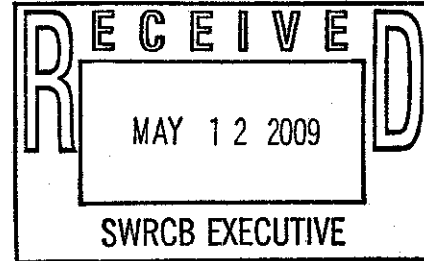




2401 MacArthur Drive  
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May 12, 2009

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



Re: Leprino Foods Company ("Leprino") Comments on Draft Order for A-1846(a)  
and A-1846(b) – May 19, 2009 Board Meeting (City of Tracy NPDES Permit)

Dear Ms. Townsend and Members of the State Water Board:

Leprino submits the following comments on the proposed Draft Order issued for public comment on May 7, 2009. These comments are intended to supplement comments previously submitted by Leprino on March 3, 2009.

Leprino appreciates the Board's attention to the challenges associated with salinity in the Central Valley and the direction and guidance that has been provided to the Regional Board regarding potential planning options for dealing with this complex issue. Consistent with Leprino's earlier comments, our primary concern is that individual users are not inappropriately targeted. We believe it is critical that the Board allow a reasonable time to explore the different planning options without prematurely requiring individual users to take drastic steps that are potentially costly, ineffective or unnecessary.

In accordance with the clear intent of California's Water Code Section 13000, regulation should be "reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." Leprino's concern is that the Draft Order in its current form does not provide a mechanism for the process of evaluating and implementing short-term and long-term planning options to play out. Instead, the effect of the Draft Order will likely be a time schedule for compliance with an effluent limit that may not be appropriate or applicable once the planning process is fully completed. This is a prime example of putting the cart before the horse and is not necessary in this situation.

Letter from Leprino Foods

Despite these concerns, Leprino will continue to pursue effective methods to reduce its contribution to TDS and EC in the City's effluent. As included in our earlier comments, Leprino has already made significant reductions in flow and TDS loadings without the Board mandating inappropriate numeric limits.

Leprino supports the comments of the City of Tracy and the Central Valley Clean Water Association. Specifically, Leprino supports the option advanced by the City of Tracy to follow the precedent established in the *Tosco* case, SWRCB Order No. WQ 2001-06. The approach taken in *Tosco* is well-suited to the situation here where all parties recognize the value of a longer term planning process in response to a challenge with no readily identifiable reasonable solution.

This is especially true here, where we have the potential for a water quality objective being applied as an end-of-pipe final effluent limitation with no evidence that the end-of-pipe limit is reasonable, necessary, feasible, or likely to have any impact on achievement of the water quality objective.

Thanks again for this opportunity to submit comments and for your consideration of Leprino's comments.

Respectfully submitted,

Joel N. Krein  
Vice President – Operations  
Leprino Foods Company