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ATTACHMENT F – FACT SHEET

As described in Section II of this Order, this Fact Sheet includes the specific legal requirements and detailed technical rationale that serve as the basis for the requirements of this Order.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

WDID	3 272009001
File #	
Discharger	Abbott Street Properties
Name of Facility	Unikool Partners Vegetable Packing Facility
Facility Address	East John Street and Abbott Street
	Salinas, CA 93901
	Monterey County
Facility Contact, Title and Phone	Robert Bellew, Manager, (831) 424-4811
Authorized Person to Sign and Submit Reports	Robert Bellew, Manager, (831) 424-4811
Mailing Address	PO Box 3140, Salinas, CA 93901
Billing Address	PO Box 3140, Salinas, CA 93901
Type of Facility	Vegetable Processing, NAICS Code 115114
Classification	
Threat to Water Quality	
Complexity	
Fee Code	
Construction Requirements	N
Industry Class	
Ownership Type	PRIVATE
Funded	
Pretreatment Program	N
Reclamation Requirements	N
Baseline Flow	0.08 MGD
Design Flow	0.1 MGD
Waste Type 1	Process Water
Waste Type 2	Storm Water
Watershed	Salinas River Watershed
Waterbody	Salinas Reclamation Canal
Receiving Water Type	
Hydrologic Unit	Salinas Hydrologic Unit

Abbott Street Properties (hereinafter the Discharger) is the owner and operator of Unikool Partners Vegetable Packing Facility, a vegetable packing facility, NAICS Code 115114, located at East John Street and Abbott Street within the City of Salinas. The facility discharges wastewater to the Salinas Reclamation Canal, a water of the United States, and is currently regulated by Order No. 99-68, which was adopted on September 8, 1999, and expired on September 8, 2004. The terms of Order No. 99-68 have been administratively extended by the Regional Board after the permit expiration date.

The Discharger filed a Report of Waste Discharge (ROWD) and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on August 25, 2004. Tetrtech on behalf of the Regional Board conducted a site visit on September 14, 2004, to observe operations and collect additional data to develop permit limitations and conditions.

II. FACILITY DESCRIPTION

A. Description of Wastewater Treatment or Controls

The Discharger discharges up to 0.1 million gallons per day (MGD) of cold storage melted ice, equipment wash, storm water, and evaporative cooler blowdown. Discharge is routed through screens, settling basins, and aerated lagoons prior to discharge through a storm drain to the Salinas Reclamation Canal. In its ROWD the facility reports an average dry weather flow and a maximum daily flow of 0.08 and 0.1 million gallons per day (mgd), respectively. The facility operates seasonally, generally from May through October, 6 days per week.

B. Discharge Points and Receiving Waters

Discharge to the Salinas Reclamation Canal is through Discharge Point 001 via a storm drain, located in Section 33, T14S, R3E, MD B&M at 36° 40' 16" N latitude, 121° 38' 23" W longitude. The Salinas Reclamation Canal flows through the Salinas Management Area and Hydrologic Unit (HU) and ultimately merges with the Salinas River at Moss Landing, California before ultimate discharge to the Pacific Ocean. Present and anticipated beneficial uses of the Salinas Reclamation Canal that could be affected by the discharge include: water contact recreation (REC-1); non-contact water recreation (REC-2); wildlife habitat (WILD); warm fresh water habitat (WARM); and commercial and sport fishing (COMM). Present and anticipated beneficial uses of the groundwater in the vicinity of the discharge include: municipal and domestic supply (MUN); agricultural water supply (AGR); and, industrial water supply (IND).

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

- 1. Effluent Water Quality.** Effluent limitations contained in the previous Order for discharges from Discharge Point 001 and representative effluent monitoring data from the term of the previous Order are as follows.

Constituent (units)	Effluent Limitation		Monitoring Data (July 2000 through June 2004)		
	Average Monthly ¹	Maximum Daily ¹	Daily Mean ¹	Daily Maximum ¹	Daily Minimum ¹
BOD ₅	60	90	17	58	<5
Total Dissolved Solids (TDS)	1300	1500	686	1100	7.1
Settleable Solids	-	0.3 ²	0.1 ²	0.3 ²	<0.1 ²
Suspended Solids (TSS)	60	90	31	56	<5
Chloride	250	300	122	180	28
Sodium	600	720	126	165	29
Boron	0.5	0.6	0.31	0.52	0.1
Acute Toxicity	-	pass / fail ³	-	Pass ⁴	-
Nitrate (as N)	6	10	4.5	7.1	1.8

¹ mg/L unless otherwise noted

² mL/L/hr

³ Effluent shall not be acutely toxic, as indicated when survival of test organisms in all samples taken during a month is less than 90 percent.

⁴ A single acute toxicity test performed during the term of Order No. 99-68 showed 100 percent survival of test organisms in 100 percent effluent.

Generally, the Discharger produced high quality effluent over the term of Order No. 99-68. From July 2000 through June 2004, effluent consistently met limitations for pH, settleable solids, BOD₅, suspended solids, TDS, chloride, and sodium.

From July 2000 through June 2004, effluent concentrations for nitrate and boron were generally within applicable effluent limitations; however, in September 2000, boron was measured at 0.52 mg/L. Because monitoring of boron is required one time per month, this result exceeded the average monthly effluent limitation of 0.5 mg/L. In June 2003, nitrate was measured at 7.1 mg/L. Because monitoring for nitrate is required one time per month, these results exceeded the maximum daily and/or the average monthly limitations of 10 and 6 mg/L, respectively.

- 2. Receiving Water Quality.** Receiving water quality from July 2000 through June 2004 was monitored semiannually up and downstream of the discharge point. Samples taken from the Salinas Reclamation Canal were analyzed for dissolved oxygen (D.O.), temperature, pH, turbidity, TDS, and total nitrogen (as N). Receiving water quality limits were met consistently with the exception of D.O., which was depressed below the minimum receiving water quality limit of 5 mg/L in samples collected in June from 2001 through 2003, both up and downstream of the discharge point. Samples taken in September of these years showed D.O. above the minimum receiving water quality limit.
- 3. Water Quality Monitoring for Toxics.** Order No. 99-68 required analysis for metals and organic pollutants, with applicable receiving water quality objectives from the CTR and Basin Plan, one time during the term of the permit. In its application to renew the permit, the Discharger has provided analytical results for CTR and Basin Plan toxic pollutants from effluent samples collected on June 3, August 10 and September 13, 2004, and receiving water samples collected on August 10, 2004. Toxic pollutant data has been evaluated to determine reasonable potential and the need for effluent limitations. Based on analysis of effluent samples taken on June 3, August 10, and September 13, 2004, and receiving water samples taken on August 10, 2004, the Regional Board, using methods presented in the SIP, finds the discharge does not demonstrate reasonable potential to cause or contribute to in-stream excursions above any applicable water quality standards for toxic pollutants. This Order does not include effluent limitations, therefore, for any of the priority toxic pollutants from the CTR or Basin Plan.

D. Compliance Summary

In general, the Discharger met the water quality limits required by Order No. 99-68 for effluent and receiving water throughout the term of the Order. Limitations for nitrate and boron were exceeded as described above but did not trigger mandatory minimum penalties; three failure to submit (FTS) letters were issued by the Regional Board to the Discharger for required monitoring reports. These FTSs were issued in the 2nd Quarter 2002; 1st Quarter 2003; and, 2nd Quarter 2003. In response to the FTS letters the discharger submitted the monitoring reports. The discharger has taken action to improve compliance, new personnel are operating wastewater facilities and a lab has been contracted to sample and analyze wastewater according to adopted requirements.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to Section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements pursuant to CWC Article 4, Chapter 4 for discharges that are not subject to regulation under CWA Section 402.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with CWC Section 13389.

C. State and Federal Regulations, Policies, and Plans

- 1. Basin Plan.** The Regional Board adopted the *Water Quality Control Plan for the Central Coast Basin* (hereinafter the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to Salinas Reclamation Canal and to groundwater in the vicinity of the discharge are as follows.

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Salinas Reclamation Canal	<u>Surface Water: Present and Anticipated</u> Warm Freshwater Habitat (WARM) Wildlife Habitat (WILD) Contact (REC-1) and Non-Contact (REC-2) Water Recreation Commercial and Sport Fishing (COMM)
001	Salinas River 180-foot Aquifer	<u>Groundwater: Present and Anticipated</u> Domestic and Municipal Supply (MUN) Agricultural Supply (AGR) Industrial Supply (IND)

- 2. Thermal Plan.** The State Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. Requirements of this Order contain temperature objectives for inland surface waters.

- 3. National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992 and amended it on May 4, 1995 and November 9, 1999. The CTR was

adopted on May 18, 2000 and amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to the discharge.

4. **State Implementation Policy.** On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP establishes procedures to implement water quality criteria of the NTR and CTR as well as water quality objectives contained in the Basin Plan. The SIP requires dischargers to submit sufficient data to determine the need for WQBELs, and it establishes procedures for determining the that need and for calculating WQBELs, when necessary.
5. **Anti-Degradation Policy.** 40 CFR 131.12 requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Board established California's anti-degradation policy in State Board Resolution 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail below, the permitted discharge is consistent with the anti-degradation provision of 40 CFR 131.12 and State Board Resolution 68-16.
6. **Anti-Backsliding Requirements.** CWA Sections 402(o)(1), 402(o)(2) and 303(d)(4) and NPDES regulations at 40 CFR 122.44 (l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed.

This permit contains a less stringent effluent limitation for nitrate (10 mg/L as N) than that contained in the prior permit (6 mg/L as N). Relaxation of the limitation is permissible pursuant to the antibacksliding provisions of the Clean Water Act because two specific exceptions, 402(o)(2)(B)(i) an exception for new information and 402(o)(2)(C) an exception for events the permittee has no control, apply to this discharge. Only one exception is required to justify a less stringent effluent limitation. Relaxation of the effluent limitation will not result in a violation of any applicable effluent limitation guideline or water quality standard.

Specifically, Regional Board staff believe that there is no technical basis for the limitation in the existing Order and the fact that the facility's water supply regularly contains nitrate at concentrations greater than 6 mg/L makes compliance with the current limit impossible at times. Water supply data was not submitted nor was it considered during development of the existing Order. Water supply analysis from 2001 and 2004 constitutes new information justifying a less stringent effluent limitation for nitrate. The water supply, which complies with the MCL for nitrate, also constitutes an event beyond the permittee's control for which there is **no reasonable available remedy**.

7. **Monitoring and Reporting Requirements.** 40 CFR 122.48 requires all NPDES permits to specify requirements for recording and reporting monitoring results. CWC Sections 13267 and 13383 authorize the regional boards to require technical and monitoring reports. The Monitoring and Reporting Program section establishes monitoring and reporting requirements to implement federal and State requirements.

D. Impaired Water Bodies on CWA 303 (d) List

The 2002 CWA Section 303 (d) List of Water Quality Limited Segments, approved by the State Water Resources Control Board on February 4, 2003, identifies the Salinas Reclamation Canal as impaired by fecal coliform, low dissolved oxygen, nitrates, pesticides, and priority organics. The 2002 303 (d) List was approved by U.S. EPA in July 2003. When TMDLs are completed for the Salinas Reclamation Canal, this Order will be reopened, as necessary, to incorporate applicable wasteload allocations (WLAs) and effluent limitations based on those WLAs.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source discharges to control the amount of conventional, nonconventional, and toxic pollutants that are discharged into the waters of the United States. The control of the discharge of pollutants is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations. 40 CFR 122.44 (a) requires that permits include applicable technology-based limitations and standards. 40 CFR 122.44 (d) requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR 122.44 (d) specifies that WQBELs may be established using U.S. EPA criteria guidance under CWA Section 304 (a); proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information; or an indicator parameter.

A. Discharge Prohibitions

In accordance with CWC Section 13243, the Regional Board, in the Basin Plan or in Waste Discharge Requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted. Following is a summary of discharge prohibitions established by the Order and the rationale for each prohibition.

1. **Discharge Prohibition A.1 (no discharge other than as described in the Order).** The prohibition is retained from the previous Order. As described by State Board Order WQO 2002-0012, it is appropriate as a prohibition, as the CWA requires enforcement of all water quality standards, including those not expressed as effluent limitations.
2. **Discharge Prohibition A.2 (no discharge to locations except as described in the Order).** This prohibition is retained from the previous Order and is based on the CWA and implementing regulations, which require an NPDES permit for the discharge of pollutants from any discrete location.
3. **Discharge Prohibition A.3 (bypass of the treatment facility and discharge of untreated waste directly to the Salinas Reclamation Canal).** This prohibition is retained from the previous Order and is required by the Basin Plan and is consistent with Standard Provision 7 (Attachment D).
4. **Discharge Prohibition A.4 (no creation of pollution, contamination or nuisance).** This prohibition is retained from the previous Order and is based on CWC Section 13050.
5. **Discharge Prohibition A.5 (no adverse impacts to beneficial uses or threatened or endangered species).** This prohibition is retained from the previous Order and is based on the Basin Plan, which, in accordance with CWC Section 13241, must include water quality objectives to ensure the reasonable protection of beneficial uses and the prevention of nuisance.
6. **Discharge Prohibition A.6 (no discharge of radioactive material).** This prohibition is retained from the previous Order.

B. Technology-Based Effluent Limitations

1. **Scope and Authority.** The CWA requires that technology-based effluent limitations be established based on several levels of controls:
 - Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and nonconventional pollutants.
 - Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and nonconventional pollutants.
 - Best conventional pollutant control technology (BCT) is a standard for the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and

oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- New source performance standards (NSPS) that represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires U.S. EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. CWA Section 402 (a) (1) and NPDES regulations at 40 CFR 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined at 40 CFR 125.3. Because there are no ELGs applicable to discharges from this facility, all technology based effluent limitations included in the Order have been established using BPJ.

2. **Applicable Technology-Based Effluent Limitations.** Technology-based effluent limitations of this Order for BOD₅, settleable solids, and suspended solids are retained from Order No. 99-68 and are presented in Table F-1.

Table F-1.
Summary of Technology-Based Effluent Limitations

Constituent	Units	Average Effluent Limitation	Monthly Maximum Daily Effluent Limitation
BOD ₅	mg/L	60	90
Suspended Solids	mg/L	60	90
Settleable Solids	ml/L/hr	-	0.3

C. Water Quality-Based Effluent Limitations (WQBELs)

1. **Scope and Authority.** As specified in 40 CFR 122.44 (d) (1) (i), permits are required to include WQBELs for pollutants, including toxicity, that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs, when necessary, is intended to protect the designated uses of the receiving water and groundwater as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or water quality criteria contained in the CTR and NTR.
2. **Applicable Beneficial Uses and Water Quality Criteria and Objectives for Surface Water.** Beneficial uses for the Salinas Reclamation Canal, established by the Basin Plan are: warm freshwater habitat (WARM); wildlife habitat (WILD); contact (REC-1) and non-contact (REC-2) water recreation; and commercial and sport fishing (COMM). Applicable water quality criteria for the protection of these beneficial uses are included in the Basin Plan, the NTR, and the CTR. The draft Order includes effluent limitations for pH and dissolved oxygen, which are retained from Order No. 99-68 and which represent the applicable water quality criteria for protection of surface water applied as end-of-pipe effluent limitations.
3. **Applicable Beneficial Uses and Water Quality Criteria and Objectives for Groundwater.** Beneficial uses for the Salinas River 180-foot Aquifer, established by the Basin Plan, are: domestic and municipal supply (MUN); agricultural supply (AGR); and industrial (IND). Applicable water quality objectives for the protection of these beneficial uses are included in the Basin Plan. The Basin Plan states “objectives” are “to serve as a water quality baseline for evaluating water quality management.” The Basin Plan continues, “the values are at best representative of gross areas only.” Thus, concentration of limitations are not true water quality objectives that must be imposed in every portion of the sub-basin but instead are a starting point for water quality management. The

draft Order includes effluent limitations for TDS, chloride, sulfate, boron, and sodium consistent with the intent of the previous Order, which also protects beneficial uses and are consistent with water quality objectives of the Basin Plan.

- 4. Determining the Need for Additional WQBELs.** In accordance with Section 1.3 of the SIP, the Regional Board conducted a reasonable potential analysis (RPA) for each priority toxic pollutant with an applicable criterion or objective to determine if a WQBEL is required in the Order. The Regional Board analyzed effluent and receiving water data to determine if a pollutant in a discharge has the reasonable potential to cause or contribute to an excursion above a state water quality standard. For all parameters that have the reasonable potential to cause or contribute to an excursion above a water quality standard, numeric WQBELs are required. The RPA considers criteria from the CTR, NTR, and water quality objectives specified in the Basin Plan. To conduct the RPA, the Regional Board identified the maximum observed effluent concentration (MEC) and maximum background concentration (B) in the receiving water for each constituent, based on data provided by the Discharger.

Section 1.3 of the SIP provides the procedures for determining reasonable potential to exceed applicable water quality criteria and objectives. The SIP specifies three triggers to complete a RPA:

- a. Trigger 1 – If the MEC is greater than or equal to the CTR water quality criteria or applicable objective (C), a limit is needed.
- b. Trigger 2 – If $MEC < C$ and background water quality (B) $> C$, a limit is needed.
- c. Trigger 3 – If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, etc. indicates that a WQBEL is required.

Sufficient effluent and ambient data are needed to conduct a complete RPA. If data are not sufficient, the Discharger will be required to gather the appropriate data for the Regional Board to conduct the RPA. Upon review of available data, and if the Regional Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

The RPA was performed for the priority pollutants for which receiving water or effluent data were available. The receiving water for the discharge is fresh water, and therefore, fresh water aquatic life criteria have been used in the RPA. Some CTR criteria are hardness dependant; to determine reasonable potential, the figure of 350 mg/L, as reported by the Discharger from receiving water samples, has been used as a background hardness level within the Salinas Reclamation Canal. Based on analysis of effluent samples taken on June 3, August 10, and September 13, 2004, and receiving water samples taken on August 10, 2004, the Regional Board, using methods presented in the SIP, finds that the discharge does not demonstrate reasonable potential to cause or contribute to in-stream excursions above any applicable water quality criteria and objectives for the priority, toxic pollutants established by the NTR, CTR, and the Basin Plan; and therefore, WQBELs are not established for these pollutants by the Order.

- 5. Whole Effluent Toxicity (WET).** Whole effluent toxicity (WET) limitations protect receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative “no toxics in toxic amounts” criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. The previous Order included acute toxicity effluent limitations and required acute toxicity monitoring one time during the term of the Order. Acute toxicity is measured over short time period and measures mortality.

The Basin Plan includes a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental response in aquatic organisms. This narrative water quality objective is applied as an end-of-pipe effluent

limitation for acute toxicity and requires that effluent not show statistically reduced survival of test organisms in 100 percent effluent, compared to a control sample, using a statistical t-test. This acute toxicity limitation of the draft Order is more stringent than the limitation of Order No. 99-68, which required not less than 90 percent survival of test organisms in all effluent samples taken during a 30-day period.

6. Summary of Technology-Based and Water Quality-Based Effluent Limitations

Table F-2 contains all technology-based and water quality-based effluent limitations established by the tentative Order.

**Table F-2.
 Summary of Effluent Limitations**

	Units	Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
BOD ₅	mg/L	60	90	-	-
Suspended Solids	mg/L	60	90	-	-
Settleable Solids	ml/L/hr	-	0.3	-	-
pH	s.u.	-	-	7.0	8.3
Dissolved Oxygen	mg/L	-	-	5.0	-
TDS	mg/L	1300	1500	-	-
Chloride	mg/L	-	250	-	-
Sulfate	mg/L	-	600	-	-
Boron	mg/L	-	0.5	-	-
Sodium	mg/L	-	250	-	-
Nitrate (as N)	mg/L	-	10	-	-

- Limitations for BOD₅, TSS, and settleable solids are technology-based effluent limitations that are retained from Order No. 99-68.
- Effluent limitations for pH and dissolved oxygen are applicable water quality criteria for protection of surface water applied as end-of-pipe limitations.
- Effluent limitations for TDS, chloride, sulfate, boron, and sodium are the applicable median groundwater objectives for the Salinas River 180-foot Aquifer, from Table 3-8 of the Basin Plan.
- Although the Basin Plan includes a median groundwater objective of 1,500 mg/L TDS, the tentative Order retains the average monthly effluent limitation of 1,300 mg/L in addition to a maximum daily effluent limitation of 1,500 mg/L in order to comply with anti-backsliding requirements of the CWA. Because the Discharger monitors for TDS one time per month or less, the average monthly limitation of 1,300 mg/L becomes, in effect, a maximum daily limitation.
- Although Order No. 99-68 includes average monthly and maximum daily effluent limitations for chloride of 250 and 300 mg/L, respectively, the tentative Order establishes only a maximum daily limitation of 250 mg/L. This limitation is consistent with Table 3-8 of the Basin Plan.
- Although Order No. 99-68 did not include effluent limitations for sulfate, the tentative Order applies the median groundwater objective for sulfate of 600 mg/L from Table 3-8 of the Basin Plan as an end-of-pipe effluent limitation.
- Although Order No. 99-68 includes average monthly and maximum daily effluent limitations for boron of 0.5 and 0.6 mg/L, respectively, the tentative Order establishes only a maximum daily limitation of 0.5 mg/L. This limitation is consistent with Table 3-8 of the Basin Plan.
- Order No. 99-68 includes monthly average and daily maximum effluent limitations for sodium of 600 and 720 mg/L, respectively. To remain consistent with Table 3-8 of the Basin the tentative Order applies only the applicable water quality objective of 250 mg/l for sodium as an end-of-pipe effluent limitation.
- The monthly average effluent limitation of 6 mg/l nitrate (as N) from Order No. 99-68 is not included the tentative Order. The tentative Order still contains the daily max effluent limitation of 10 mg/l nitrate (as N). Comments in Section VIII (B) of this Fact Sheet address this issue.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Receiving water quality is a result of many factors, some unrelated to the discharge. This Order considers these factors and is designed to minimize the influence of the discharge on the receiving water. Receiving water limitations within the proposed Order generally include the receiving water limitations of the previous Order; however these limitations have been supplemented and modified to reflect the water quality objectives of the Basin Plan for all inland surface waters.

VI. MONITORING AND REPORTING REQUIREMENTS

40 CFR 122.48 requires all NPDES permits to specify recording and reporting of monitoring results. CWC Sections 13267 and 13383 authorize the regional boards to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following text provides the rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program for this facility.

A. Effluent Monitoring

Section 308 of the Clean Water Act and U.S. EPA implementing regulations at 40 CFR 122.44 (i) require monitoring in permits to determine compliance with effluent limitations. Monitoring may also be required to gather data to develop effluent limitations or to monitor impacts of discharges on receiving water quality.

The Monitoring and Reporting Program, Attachment E of this Order, includes monitoring of the facility's effluent and receiving water. Effluent monitoring requirements for the following parameters have not changed from Order No. 99-68.

- average daily flow
- settleable solids
- BOD5
- suspended solids
- temperature
- dissolved oxygen
- pH
- total dissolved solids
- boron
- chloride
- sulfate
- acute toxicity
- sodium
- total nitrogen (as N)
- nitrate (as N)

The proposed Order requires effluent monitoring for the CTR priority, toxic pollutants one time during the permit term, whereas Order No. 99-68 had required monitoring one time during the permit term only for the pesticides. Monitoring for the larger set of pollutants is required to implement the CTR in accordance with the State Implementation Policy.

B. Receiving Water Monitoring

Receiving water monitoring is unchanged from Order No. 99-68, except that upstream monitoring for the CTR priority, toxic pollutants is required one time during the permit term, simultaneously with effluent monitoring for these pollutants to implement the CTR in accordance with the State Implementation Policy.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which, in accordance with 40 CFR 122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order.

B. Special Provisions

- 1. Re-Opener Provisions.** The Order may be modified in accordance with the requirements set forth at 40 CFR 122 and 124, to include appropriate conditions or limits based on newly available information, or to implement any, new State water quality objectives that are approved by the U.S. EPA.
- 2. Compliance Schedules.** No interim effluent limitations and compliance schedules are established by the tentative Order.
- 3. Toxicity Reduction Evaluation Requirements.** When toxicity monitoring measures acute toxicity in the effluent above the limitation established by the Order, the Discharger is required to resample and retest. When all monitoring results are available, the Executive Officer can determine whether to initiate enforcement action, whether to require the Discharger to implement toxicity reduction evaluation (TRE) requirements, or whether other measures are warranted.

VIII. PUBLIC PARTICIPATION

The Regional Board is considering the issuance of waste discharge requirements that will serve as an NPDES permit for Abbott Street Properties, Unikool Partners Vegetable Packing Facility. As a step in the process of reissuing waste discharge requirements, the Regional Board staff has developed a draft Order. The Regional Board encourages public participation in the process of reissuing waste discharge requirements (WDRs).

A. Notification of Interested Parties

The Regional Board has notified the permittee and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was also provided through the following: posted at the post office and principle office of the City of Salinas on February 23, 2005, and published in the local newspaper, The Salinas Californian, on February 24, 2005.

B. Written Comments

Regional Board staff received an April 6, 2005 comment letter from Susan Friedrichs of Axiom Engineers – Lee Associates, on behalf of UniKool Company. The letter requested that the monthly average effluent limitation for nitrate as nitrogen be increased from 6 to 10 mg/l, which would be consistent with other dischargers' permits to the Salinas Reclamation Ditch and reflect safe drinking water standards. The Maximum Contaminant Level (MCL) of 10 mg/l for nitrate (as nitrogen) is based on health standards and is widely accepted. The 6 mg/l limit does not appear to be based on any such standards.

UniKool Company will potentially violate the limit as stated in the Order because the source water is consistently high in nitrates. The two wells that serve the facility each meet the drinking water standard of 10 mg/l, however all of the samples from both wells taken from January 2001 and August 2004 (a total of 16 samples) the nitrate (as nitrogen) was over 7 mg/l.

Response

Regional Board staff concur with above comments made by Ms. Friedrichs of Axiom Engineers – Lee Associates and have modified the proposed Order by removing the monthly average effluent limitation for nitrate (as N) of 6 mg/l. The proposed Order still contains the daily max effluent limitation for nitrate (as N) of 10 mg/l, which is supported on a technical basis as an MCL supporting the water supply beneficial use.

Antibacksliding regulations allow for the reduction of an effluent limit if specific exceptions are met. Regional Board staff believe that the water supply quality indicated above meets two different exceptions of antibacksliding requirements and therefore allow a less stringent limit. Only one

exception is required to justify a less stringent effluent limit. The water supply quality correlates to exception 402 (o)(2)(C), which states a less stringent effluent limitation is necessary because of events beyond the permittee's control and for which there is no reasonable available remedy. Water supply data was not submitted nor was it considered during development of the existing Order, therefore the water supply analysis of 2001 and 2004 is new information and exception 402 (o)(2)(B)(i) allows for a reduced effluent limit as a result of new information.

Finding C.6 of Section III of the Fact Sheet has been modified to address antibacksliding legislation.

C. Public Hearing

The Regional Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **May 13, 2005**
Time: **8:30 A.M.**
Location: **Watsonville City Council Chambers**
250 Main Street
Watsonville, CA 95076

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. The Board will hear oral testimony; however, for accuracy of the record, interested persons should submit important testimony in writing no later than noon on Monday of the week prior to the public hearing.

Please be aware that dates and venues may change. Our web address is <http://www.waterboards.ca.gov/centralcoast/> where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Board's action to the following address:

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

E. Information and Copying

The Report of Waste Discharge, related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Board by calling (805) 549-3147.

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 Regional 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 Martin Fletcher at 805-549-3694 (phone) or mfletcher@waterboards.ca.gov (e-mail).