CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

WASTE DISCHARGE REQUIREMENTS ORDER R5-2017-0022
FOR
LOS GATOS TOMATO PRODUCTS
HURON TOMATO PROCESSING PLANT
FRESNO COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or Board) finds that:

Background

1. Waste Discharge Requirements (WDRs) Order 5-00-267, adopted by the Central Valley Water Board on 8 December 2000, prescribes discharge requirements for Huron Tomato Processing Plant (Plant). WDRs Order 5-00-267 allows a monthly average discharge flow of 2.5 million gallons per day (mgd) to 5,320 acres of land application areas (LAA's) owned by the Woolf Family Trust No. 1, California Valley Land Company, and Stuart Farming Company.

2. The Plant is at 19800 Gale Avenue in Huron (Section 17, Township 20 South, Range 17 East, MDB&M). The Plant occupies Assessor's Parcel Number (APN) 075-040-49S and 075-040-50S. The Plant is shown in Attachment A, which is incorporated by reference and considered part of this Order.

3. On 26 February 2008, Los Gatos Tomato Products submitted a Report of Waste Discharge (RWD) for an increase in LAA's. Subsequently, Los Gatos Tomato Products submitted addendum RWD's on 6 December 2013 and 6 June 2016, for a flow increase up to 3.8 mgd (monthly average flow) and up to 6.0 mgd (daily maximum flow).

4. Los Gatos Tomato Products is a general partnership owned by Woolf Tomato Growers, Inc., Harris Ranch Tomato Co., and Ripe Tomato, Inc., all California Corporations. Members of the Woolf family also participate in Los Gatos Tomato Products as limited partners. Majority of the LAA's (approximately, 5,853 acres) are owned by the Woolf Family Trust No. 1, a California Irrevocable Trust and G3 Farming Trust (formally Stuart Farming Trust). A small portion of the LAA's (approximately, 354 acres) are leased by Los Gatos Tomato Products from Semper Jon M Trustee Parnagian Linda C Trustee; Barbara Gamble and Kenneth Clanton; and Arthur Jack Dahlgren, Larry James Dahlgren, and Richard Paul Dahlgren.

5. Los Gatos Tomato Products, its general partners, as well as the owners of the LAA's identified in Finding 4 are hereafter referred to as Discharger are responsible for compliance with these Waste Discharge Requirements.

6. WDRs Order 5-00-267 need to be updated to ensure that the discharge is consistent with Central Valley Water Board plans and policies and prescribe requirements that reflect changes the Discharger will make to the Plant and LAA's. WDRs Order 5-00-267 will be rescinded and replaced with this Order.

Existing Discharge

7. The Plant processes fresh tomatoes into commercially sterile bulk tomato paste. The processing season is from late June to early October. During the processing season, the Plant operates 24 hours per day, 7 days a week. In the non-processing season, the Plant operates 9 hours per day, 5 days per week, and consists of storing the tomato paste product, shipping out product, and Plant maintenance.

8. Waste streams at the Plant are generated from rinsing tomatoes (rinse wastewater), equipment sanitation, boiler blowdown, water softener reject, cooling tower blowdown, and condensates from evaporation processes (process wastewater).

9. Tomatoes are unloaded from the trucks via a water wash out. As the tomatoes are unloaded they are cleaned of their stems, leaves, and soil residue. The tomatoes are then elevated into a flume system where chlorinated water is added to clean tomatoes. The tomatoes are then processed into tomato paste and the rinse wastewater is routed to the sedimentation sump where it comingles with process wastewater.

10. The Plant produces approximately 133,600 pounds of solid materials from the tomato processing on a daily basis. Solid waste is comprised of pomace from the tomato paste production and wet waste, including vines and miscellaneous tomato matter. The solid waste is deposited directly into trailers and hauled off site by a feed broker to be used as a dairy cattle feed. This Order requires the Discharger to report the amount of solids produced, where solids will be used, whether solids will be used for cattle feed or for disposal, and ultimate disposal site.

11. The Plant produces approximately 33,000 gallons per day of sediments that settle out of the wastewater in the sedimentation basins. According to the June 2016 addendum RWD, the soil debris and fine tomato solids are pumped into a tanker truck and distributed on the LAA's in rotating parcels during the processing season.

12. Los Gatos Tomato Products obtains its source water from the Westlands Water District. The quality of source water is as follows.

Table 1. Source Water Quality

Constituent/Parameter	Units	2013-2015			
		# Sampling Events	Min	Max	Average
Electrical Conductivity	umhos/cm	3	500	690	613
Total Dissolved Solids	mg/L	3	270	380	337
Nitrate as Nitrogen	mg/L	3	<0.22	<0.44	---
Alkalinity as $CaCO_3$	mg/L	3	68	95	84
Calcium	mg/L	3	17	28	23
Chloride	mg/L	3	100	120	110

Constituent/Parameter	Units	2013-2015			
		# Sampling Events	Min	Max	Average
Copper	mg/L	3	<0.050	<0.050	<0.050
Iron	mg/L	3	0.067	0.160	0.104
Methylene Blue Active Substances	mg/L	3	<0.050	<0.050	<0.050
Manganese	mg/L	3	0.018	0.028	0.023
Magnesium	mg/L	3	13	17	16
Sodium	mg/L	3	67	92	79
Sulfate	mg/L	3	24	58	45
Hardness $CaCO_3$	mg/L	3	98	140	123
Zinc	mg/L	3	0.05	0.058	0.054

13. Flows at the Plant based on Discharger's Self-Monitoring Reports (SMRs) from July 2011 through October 2015 are tabulated in Table 2.

Table 2. Monthly Average Wastewater Flows

		July (mgd)	August (mgd)	September (mgd)	October (mgd)
2011	Ave	1.81	2.64	2.64	2.60
	Min	0.78	1.67	1.35	1.46
	Max	2.51	3.72	3.00	3.00
2012	Ave	2.37	2.30	2.46	---
	Min	0.73	2.09	1.80	---
	Max	3.26	2.51	3.21	---
2013	Ave	2.23	2.36	2.31	2.61
	Min	0.15	1.46	1.29	2.40
	Max	2.62	3.16	2.87	2.77
2014	Ave	2.38	2.42	2.25	2.22
	Min	3.00	2.02	2.00	1.63
	Max	1.58	2.89	2.75	2.37
2015	Ave	2.44	2.41	2.49	2.47
	Min	1.42	1.87	2.14	1.55
	Max	2.91	2.68	2.87	2.89

14. Annual average comingled wastewater effluent characteristics based on data contained the Discharger's SMRs from January 2014 through October 2015 are tabulated in Table 3.

Table 3. 2014 and 2015 Wastewater Quality

Constituent/Parameter	Units	2014				2015			
		# Sampling Events	Min	Max	Average	# Sampling Events	Min	Max	Average
pH	pH units	107	4.1	6.78	---	109	4.14	5.7	---
Electrical Conductivity	umhos/cm	107	560	1,380	983	109	520	1,385	1,135
Biochemical Oxygen Demand	mg/L	16	300	1,700	870	16	440	910	644
Total Suspended Solids	mg/L	16	310	1,700	712	16	170	1,300	656
Chemical Oxygen Demand	mg/L	7	1,000	3,200	2,000	10	780	2,800	1,398
Nitrate as Nitrogen	mg/L	8	<0.22	<0.66	---	9	0.25	0.25	0.25
Total Kjeldahl Nitrogen	mg/L	8	30	98	67	9	17	41	28
Ammonia as Nitrogen	mg/L	8	0.93	11	6.62	9	1.5	6.3	4.1
Total Nitrogen	mg/L	8	30	98	67	9	17	41	28
Total Organic Carbon	mg/L	5	190	820	436	5	280	580	452
Fixed Dissolved Solids	mg/L	5	200	430	296	5	260	450	322
Total Dissolved Solids	mg/L	5	400	910	656	6	520	790	660
Alkalinity as $CaCO_3$	mg/L	5	47	470	167	6	26	84	44
Calcium	mg/L	1	29	29	29	1	21	21	21
Chloride	mg/L	1	71	71	71	1	56	56	56
Copper	mg/L	1	0.13	0.13	0.13	1	0.094	0.094	0.094
Iron	mg/L	1	5.3	5.3	5.3	1	4.7	4.7	4.7
Methylene Blue Active Substances	mg/L	1	<0.5	<0.5	<0.5	1	<1.2	<1.2	<1.2
Manganese	mg/L	1	0.39	0.39	0.39	1	0.23	0.23	0.23
Magnesium	mg/L	1	17	17	17	1	13	13	13
Sodium	mg/L	1	69	69	69	1	37	37	37
Sulfate	mg/L	1	37	37	37	1	38	38	38
Hardness $CaCO_3$	mg/L	1	140	140	140	1	110	110	110
Zinc	mg/L	1	0.1	0.1	0.1	1	0.13	0.13	0.13
Potassium	mg/L	1	68	68	68	1	68	68	68

15. The Plant does not have an effluent composite sampler to collect a representative sample of the process wastewater. This Order includes a provision (Provision G.10) requiring the Discharger to install an effluent composite sampler to collect 24-hour composite samples.

16. Based on analytical data from the 2014 and 2015 processing seasons, approximately 51 percent of the TDS is a result of organic compounds based on an average FDS of 322 mg/L and an average TDS of 660 mg/L. This Order requires the Discharger to submit a Salinity Management Plan (Provision G.11) to evaluate salinity control measures.

17. Approximately 7,000 gallons per year of 50% sodium hydroxide are used at the Plant. The cleaning solution is used at the beginning of the processing season and two other times during the processing season.

18. Storm water generated on-site from the Plant building rooftops, paved parking and storage areas, and gravel parking area is routed to a storm water pond, on the northeast corner of the Plant.

19. Domestic wastewater is discharged separately to an existing on-site septic system. The septic system is permitted through Fresno County.

Proposed Discharge

20. The June 2016 addendum RWD describes a total of 6,545 acres of which 4,975 acres are currently available to receive wastewater; 1,232 acres are currently occupied with a permanent crop that does not receive wastewater and can potentially receive wastewater in the future, 290 acres (274 acres from APN 075-050-47U & 16 acres from APN 075-040-58S) are occupied with solar panels that can potentially be converted to farmland in the future, and 48 acres where the processing plant is located. Of the total LAA's 6,143 acres of land are owned by the Woolf Family Trust No.1 and G3 Farming Trust, and only 354 acres of land are leased by Los Gatos Tomato Products from Semper Jon M Trustee Parnagian Linda C Trustee; Barbara Gamble and Kenneth Clanton; and Arthur Jack Dahlgren, Larry James Dahlgren, and Richard Paul Dahlgren. Los Gatos Tomato has obtained approval letters from the land owners of the 354 acres granting permission to discharge tomato process wastewater. The acreage and APN's of the new 1,546 acres of land that will be incorporated to the LAA's by this Order are shown in Table 4, below. A site map of all the LAA's is shown in Attachment B which is attached hereto and made part of this Order by reference.

Table 4. Proposed Additional LAA's

Assessor's Parcel Number	Owner	Acres
075-032-24S	G3 Farming Trust	160
075-032-25S	G3 Farming Trust	160
075-032-26S	Woolf Christopher R Trustee Delaware Anne A Trustee	80
075-032-27S	Woolf Christopher R Trustee Delaware Anne A Trustee	37.63
075-032-28	Semper Jon M Trustee Parnagian Linda C Trustee	40
075-032-72S	G3 Farming Trust	120
075-050-19S	G3 Farming Trust	317.57
075-050-23S	G3 Farming Trust	39.03
075-050-24S	G3 Farming Trust	119.09
075-050-37S	G3 Farming Trust	160
075-050-39S	G3 Farming Trust	157.58
075-050-46S	G3 Farming Trust	155.52
	Total	1,546.42

Land Application Area Practices

21. Excessive application of food processing wastewater to land can create objectionable odors, soil conditions that are harmful to crops, and degradation of underlying groundwater by overloading the soil profile and causing waste constituents (i.e., organic carbon, nitrates, other salts, and metals) to percolate below the root zone. Irrigation with high-strength wastewater can result in high BOD loading on the day of application, which can deplete oxygen in the soil and lead to anoxic conditions. When insufficient oxygen is present below the ground surface, anaerobic decay of organic matter can create reducing conditions that convert metals naturally present in the soil as relatively insoluble (oxidized) forms to more soluble (reduced) forms. This condition can be exacerbated by acidic soils and/or acidic wastewater. If reducing conditions do not reverse as the percolate travels through the vadose zone, these dissolved metals (primarily iron, manganese, and arsenic) can degrade shallow groundwater quality. Excessive organic loading can also increase groundwater bicarbonate concentrations, which cause increases in groundwater EC and total dissolved solids.

22. It is reasonable to expect some oxidation of BOD at the ground surface, within the evapotranspiration zone and below the root zone within the vadose (unsaturated) zone. The maximum BOD loading rate that can be applied to land without creating nuisance conditions or causing unreasonable degradation of groundwater can vary significantly depending on soil conditions and operation of the land application system.

23. Pollution Abatement in the Fruit and Vegetable Industry, published by the United States Environmental Protection Agency, cites BOD loading rates associated with crop irrigation in the range of 36 to 100 lbs/acre/day to prevent nuisance, but indicates that loading rates can be even higher under certain conditions. The studies that support this report did not evaluate actual or potential groundwater degradation associated with those loading rates. There are few studies that have attempted to determine maximum BOD loading rates for protection of groundwater quality. Those that have are not readily adapted to varying soil, groundwater, and climate conditions that are prevalent throughout the region.

24. The California League of Food Processors *Manual of Good Practice for Land Application for Food Processing/Rinse Water* proposes risk categories associated with particular BOD loading rate ranges as follows:

    a. Risk Category 1: (less than 50 lbs/ac/day; depth to groundwater greater than 5 feet) indistinguishable from good farming operations with good distribution important.

    b. Risk Category 2: (less than 100 lbs/ac/day; depth to groundwater greater than 5 feet) minimal risk of unreasonable groundwater degradation with good distribution more important.

    c. Risk Category 3: (greater than 100 lbs/ac/day; depth to groundwater greater than 2 feet) requires detailed planning and good operation with good distribution very important to prevent unreasonable degradation, as well as use of oxygen transfer design equations that consider site-specific application cycles and soil properties and special monitoring.

The *Manual of Good Practice* recommends allowing a 50 percent increase in the BOD loading rates in cases where sprinkler irrigation is used, but recommends that additional safety factors be used for sites with heavy and/or compacted soils. The Manual of Good Practice also states that the use of surface irrigation (boarder check method) makes uniform application difficult, especially for coarse textured soils.

25. Although it has not been subject to a scientific peer review process, the Manual of Good Practice provides science-based guidance for BOD loading rates that, if fully implemented, may be considered management practices to prevent groundwater degradation due to reduced metals.

26. The current 4,975 acres of LAA's will be flood irrigated with wastewater using furrows up to 1,320 feet in length. Current management practices include growing cotton, tomatoes, wheat, and other row crops. The LAA's water delivery system consists of a series of canals, delivery/transport pipes, blending stations, and booster pumps. The RWD does not describe an irrigation cycle. The cycle average BOD loading rate over the 4,975 acres of LAA's based on a proposed monthly average flow of 3.8 mgd, a BOD concentration of 870 mg/L (2014 annual average), and an assumed irrigation period of one day, and a rest period of 3, 5, and 7 days are shown in the table below. The hydraulic loading to the 4,975 acres will be approximately 0.028 inches per day.

Table 5. Cycle Average BOD Loading Rates

Assumed Irrigation Period (Days)	Assumed Rest Period (Days)	LAAs (Acres)	Cycle Average BOD (lbs/acre-day)
1	3	4,975	1.39
1	5	4,975	0.92
1	7	4,975	0.69

27. In order for the Discharger to meet a five and/or seven day rest period and have a cycle average BOD loading rate less than 100 lbs/acre-day at a monthly average flow of 3.8 mgd, a minimum daily acreage of approximately, 50 acres is needed. Table 6 shows the cycle average BOD loading rates assuming only 50 acres of LAA are available with a rest period of five and seven days. The hydraulic loading to the 50 acres of LAA is approximately, 2.81 inches per day.

Table 6. Cycle Average BOD Loading Rates to Minimum Acreage

Assumed Irrigation Period (Days)	Assumed Rest Period (Days)	LAAs (Acres)	Cycle Average BOD (lbs/acre-day)
1	5	50	92
1	7	50	69

28. According to the June 2016 RWD, the soil debris and fine tomato solids that settle in the sedimentation basins are pumped into a tanker truck and distributed on the LAA's in rotating parcels during the processing season. The Plant produces approximately 33,000 gallons of sediments each day. The total nitrogen and potassium contributions to the 4,975 acres of LAA's from both the wastewater and sediment portions applied are tabulated below.

Table 7. Total Nitrogen and Potassium Loading Rates

	Total Nitrogen (lbs/acre-year)	Potassium (lbs/acre-year)
Wastewater Portion	42.70	43.34
Sediment Portion	10.87	10.00
Total	53.57	53.34

29. The Discharger has identified a 274-acre parcel (APN 075-050-47U) along with 16 acres of parcel 075-040-58S owned by the Woolf Family Trust No.1 and G3 Farming Trust as potential LAA for future use for a total of 6,497 acres. Currently, the 274 and 16 acres are occupied with solar panels and would require conversion into cultivation prior to applying wastewater. No environmental review is needed for this parcel because it is currently covered under WDRs 5-00-267 but was not put into agricultural use. This Order requires the Discharger to submit a technical report (Provision G.12) for Executive Officer approval describing how the parcel has been converted to cultivation land and how the wastewater will be applied at appropriate hydraulic and agronomic rates prior to applying wastewater to this parcel.

30. The Discharger has sufficient land to accommodate the proposed flow increase as long as the LAA's are properly managed and wastewater is applied at hydraulic and agronomic rates. This Order requires the Discharger to submit a Wastewater and Nutrient Management Plan (Provision G.13) that details proposed methods to evenly apply wastewater to the 6,497 acres of LAA's. In addition, the Discharger also needs to describe the amount of nutrient crops grown in the LAA's will take up based on site specific information and demonstrate how much wastewater may be applied to the LAA's without violating the terms of this Order.

Site-Specific Conditions

31. Land uses in the vicinity of the Plant and LAA's consist of agriculture. The LAA's in sections 13, 14, 15, and 9 surround the City of Huron to the east, south, and west. Primary crops grown in the area include cotton, onions, garlic, and tomatoes according to the Fresno County 2000 Land Use Map published by Department of Water Resources.

32. The Plant and LAA's are in an arid climate characterized by dry summers and mild winters. The rainy season generally extends from October through April. The average annual precipitation is about 7.15 inches in Westhaven (approximately 10 miles east of the City of Huron) according to data obtained from the Western Regional Climate Center. Average annual pan evaporation is about 102 inches in Kettleman City (approximately 21 miles southeast of Huron) according to the National Oceanic and Atmospheric Administration, Technical Report NWS 34, *Mean*

Monthly, Seasonal, and Annual Pan Evaporation for the United States, published by the United States Department of Commerce, December 1982.

33. Soils below the Plant and LAA's are Westhaven loam, Excelsior sandy loam, and Westhaven clay loam, according to the Web Soil Survey published by the United States Department of Agriculture, Natural Resources Conservation Service. Westhaven loam and Westhaven clay loam have land capability classifications of 1, Excelsor sandy loam has a land capability classification of 2s. Soils with "Class 1" have slight limitations that restrict their use. Soils with "Class 2" have moderate limitations that restrict the choice of plants or require moderate conservation practices. The subclass "s" shows that the soil has limitations within the root zone, such as shallowness of the root zone, a high content of stones, a low available water capacity, low fertility, and excessive salinity or sodicity. Overcoming these limitations is difficult.

34. According to the February 2009 Federal Emergency Management Agency (FEMA) maps (Map Numbers 06019C3235H, 06019C3250H, 06019C3255H, and 06019C3275H), parts of Sections 8 and 9 are in zone A and the remainder is in Zone X; majority of Section 12 is in Zone A; the southern portions of Sections 13, 14, 15, 16 and 17 are in Zone A and the remainder in Zone X; and Sections 20, 21, and 22 are entirely in Zone X. Areas in Zone X have a one percent annual chance of flood with average depths are less than one foot. Areas in Zone A have a one percent annual chance of flooding (typically called the 100-year floodplain). No depth or base flood elevations are shown in the FEMA maps for these Zones.

Basin Plan, Beneficial Uses, and Water Quality Objectives

35. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2015* (the "Basin Plan") designates beneficial uses, establishes narrative and numerical water quality objectives, contains implementation plans and policies for protecting all waters of the Basin, and incorporates, by reference, plans and policies of the State Water Board. In accordance with Water Code section 13263(a), these waste discharge requirements implement the Basin Plan.

36. The Plant and LAA's are in Detailed Analysis Unit (DAU) No. 244, within the Westside Basin hydrologic unit. The Basin Plan identifies the beneficial uses of groundwater in this DAU as municipal and domestic supply (MUN), agricultural supply (AGR), and industrial service supply (IND).

37. The Plant and LAA's are in the Westlands Hydrologic Area (No. 551.10) of the South Valley Floor Hydrologic Unit, as depicted on hydrologic maps prepared by State Water Resources Control Board in August 1986. The nearest surface water is the Los Gatos Creek, a Valley Floor Water. As indicated in the Basin Plan, the beneficial uses of Valley Floor Waters including Los Gatos Creek are follows: agricultural supply (AGR), industrial service supply (IND); industrial process supply (PRO); water contact recreation (REC-1); non-contact water recreation (REC-2); warm freshwater habitat (WARM); wildlife habitat (WILD); rare, threatened, or endangered species (RARE); and groundwater recharge (GWR).

38. The Basin Plan includes a water quality objective for chemical constituents that, at a minimum, requires waters designated as domestic or municipal supply to meet the Maximum Contaminant

Levels (MCLs) specified in Title 22 of the California Code of Regulations (CCR) (Title 22). The Basin Plan recognizes that the Central Valley Water Board may apply limits more stringent than MCLs to ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses.

39. The Basin Plan establishes narrative water quality objectives for chemical constituents, taste and odors, and toxicity. The narrative toxicity objective, in summary, requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life associated with designated beneficial uses.

40. Quantifying a narrative water quality objective requires a site-specific evaluation of those constituents that have the potential to impact water quality and beneficial uses. The Basin Plan states that when compliance with a narrative objective is required to protect specific beneficial uses, the Central Valley Water Board will, on a case-by-case, adopt a numerical limitation in order to implement the narrative objective.

41. The Basin Plan identifies the greatest long-term problem facing the entire Tulare Lake Basin as the increase in salinity in groundwater, which has accelerated due to the intensive use of soil and water resources by irrigated agriculture. The Basin Plan recognizes that degradation is unavoidable until there is a long-term solution to the salt imbalance. Until then, the Basin Plan establishes several salt management requirements, including:

    a. The maximum EC in the discharge shall not exceed the EC of the source water plus 500 umhos/cm. When the source water is from more than one source, the EC shall be a weighted average of all sources.

    b. Discharges to areas that may recharge to good quality groundwater, shall not exceed an EC of 1,000 umhos/cm, a chloride of 175 mg/L, or a boron content of 1.0 mg/L. The Basin Plan generally applies these limits to industrial discharges to land.

42. The Basin Plan authorizes an exemption to the incremental EC increase limit in Finding 41.a for food processing industries that discharge to land and exhibit a disproportionate increase in EC of the discharge over the EC of the source water due to unavoidable concentrations of organic dissolved solids from the raw food product, provided that beneficial uses are protected. Exceptions must be based on demonstration of best available technology and best management practices that control inorganic dissolved solids to the maximum extent feasible.

Groundwater Considerations

43. First encountered groundwater below the Plant and LAA's is approximately 200 to 300 feet below ground surface (bgs), according to *Ground-Water Conditions in the Mendota-Huron Area Fresno and Kings Counties, California, Geological Survey Water-Supply Paper 1360-G* (Plate 34), published by the US Department of Interior in 1957.

44. The Corcoran Clay layer is found below LAA's in Section 12, 13, and 14 of Township 20 South, Range 17 East, ranging from 650 to 750 feet bgs (*Depth to Top of Corcoran Clay* map published

by Department of Water Resources in 1981). The Corcoran clay layer is not continuous and does not extend further west where the Plant and remaining LAA's are located.

45. The quality of groundwater in the area based on eight nearby wells is shown in Table 8.

Table 8. Historical Groundwater Quality from Nearby Wells

Well Number	Depth of Well (feet bgs)	Screen Interval[3] (feet bgs)	Date Sampled	EC[4] (umhos/cm)	Na[5] (mg/l)	Ca[6] (mg/l)	Cl[7] (mg/l)	HCO_3[8] (mg/l)	NO_3 as N[9] (mg/l)
20S/17E-09E01[1]	1,992	591-1,992	8/15/1951	2,060	180	120	98	160	---
20S/17E-09R01[2]	2,145	600-2,146	8/22/1951	1,840	190	105	77	171	---
			8/13/1952	2,110	204	118	90	157	4.3
			7/9/1953	2,280	221	141	110	156	6.1
			7/27/1955	2,340	241	---	108	---	---
			7/30/1957	---	250	---	122	---	---
			6/27/1958	2,700	259	176	136	150	---
			7/16/1959	2,640	242	164	116	156	---
			7/18/1960	2,670	242	172	136	149	---
			6/19/1962	2,820	258	193	141	133	---
20S/17E-14B01[1]	2,000	---	7/16/1968	1,400	170	65	46	170	0.5
20S/17E-14M01[1]	2,125	---	8/22/1951	1,460	180	76	49	150	0.7
20S/17E-14N01[1]	1,500	---	8/15/1951	1,890	200	110	82	140	---
20S/17E-16E01[1]	2,132	605-2,132	8/15/1951	1,580	174	83	57	180	---
20S/17E-21M01[1]	2,184	---	7/17/1968	1,360	150	68	48	160	2.5
20S/17E-22D02[1]	1,331	398-1,331	8/15/1951	1,770	190	100	68	150	---

1 United States Geological Survey, National Water Information System: Web Interface

2 Westlands Water District, Historical Groundwater Quality

3 Ground-Water Conditions in the Mendota-Huron Area Fresno and Kings Counties, California

4 Electrical Conductivity (EC)

5 Sodium (Na)

6 Calcium (Ca)

7 Chloride (Cl)

8 Bicarbonate (HCO_3)

9 Nitrate as Nitrogen (NO_3 as N)

46. Historical groundwater data as shown in Table 8 indicates that groundwater from wells screened below the Corcoran Clay in the area near the Plant and LAA's has been of poor quality with respect to EC, sodium, bicarbonate prior to 1968.

47. On 24 May 2006, the Central Valley Water Board approved the 13 January 2006 *Revised Vadose Zone Monitoring and System Design and Installation Work Plan* for the installation of six lysimeters as required by Provision F.3 of WDRs Order 5-00-267.

48. In July 2006, the Discharger installed six lysimeters (LS-1 through LS-6). Then in July 2009, the Discharger replaced LS-5 with LS-7. Lysimeter LS-1 is the background station on a field that has never received tomato process wastewater. Lysimeters LS-2 and LS-7 represent general land application conditions. Lysimeters LS-3, LS-4, and LS-6 are at the tail end of irrigation checks. Groundwater quality based on lysimeter data is shown in Table 9.

Table 9. Groundwater Quality for LS-1 through LS-7

Lysimeter	Depth (feet)	Date Sampled	pH (pH Units)	EC (umhos/cm)	TKN (mg/l)	NH_3 as N (mg/l)	NO_3 as N (mg/l)	NO_2 as N (mg/l)	K (mg/l)	Na (mg/l)	Cl (mg/l)	TOC (mg/l)
LS-1	6	7/1/2011	---	---	---	---	---	---	---	---	---	---
		10/25/2011	---	---	---	---	---	---	---	---	---	---
		6/20/2013	---	---	---		---	---	---	---	---	---
		6/25/2014	---	---	---	---	---	---	---	---	---	---
		10/25/2014	---	---	---	---	---	---	---	---	---	---
		6/17/2015	---	---	---	---	---	---	---	---	---	---
		10/28/2015	---	---	---	---	---	---	---	---	---	---
LS-2[1]	6	6/30/2011	7.95	2,020	0.28	0.055	19	<0.0081	5.7	250	150	3.1
		10/25/2011	7.74	2,070	0.46	0.06	19	12	5.1	210	150	3.5
		6/20/2013	7.91	3,130	0.66	0.73	39	2.8	7.4	300	180	5.4
		6/25/2014	7.80	1,490	0.91	0.05	44	---	6.5	280	140	4.8
		10/25/2014	7.60	3,150	0.77	0.092	58	---	7.7	270	110	---
		6/17/2015	7.89	2,920	0.58	0.029	74	---	6	250	120	4.1
		10/28/2015	7.97	2,860	0.57	---	67	---	7.7	260	89	4.8
LS-3	6	6/30/2011	7.97	1,270	0.68	0.061	36	<0.081	5.5	96	48	3.2
		10/25/2011	7.95	1,340	0.61	0.074	3	12	5.7	120	63	4.4
		6/20/2013	---	---	---	0.2	4.9	5	---	---	78	---
		6/25/2014	---	---	---	---	---	---	---	---	---	---
		10/25/2014	7.97	2,040	0.64	0.079	8.5	---	---	---	150	---
		6/17/2015	8.01	2,200	0.69	0.026	21	11	8.5	150	170	4.7
		10/28/2015	---	---	---	---	---	---	---	---	---	---
LS-4	6	7/1/2010	---	---	---	---	---	---	---	---	---	---
		10/25/2011	---	---	---	---	---	---	---	---	---	---
		6/20/2013	---	---	---	---	---	---	---	---	---	---
		6/25/2014	---	---	---	---	---	---	---	---	---	---
		10/25/2014	---	---	---	---	---	---	---	---	---	---

Lysimeter	Depth (feet)	Date Sampled	pH (pH Units)	EC (umhos/cm)	TKN (mg/l)	NH_3 as N (mg/l)	NO_3 as N (mg/l)	NO_2 as N (mg/l)	K (mg/l)	Na (mg/l)	Cl (mg/l)	TOC (mg/l)
		6/17/2015	---	---	---	---	---	---	---	---	---	---
		10/28/2015	---	---	---	---	---	---	---	---	---	---
LS-5[2]	6	6/30/2011	---	---	---	---	---	---	---	---	---	---
		10/25/2011	---	---	---	---	---	---	---	---	---	---
		6/20/2013	---	---	---	---	---	---	---	---	---	---
		6/25/2014	---	---	---	---	---	---	---	---	---	---
		10/25/2014	---	---	---	---	---	---	---	---	---	---
		6/17/2015	---	---	---	---	---	---	---	---	---	---
		10/28/2015	---	---	---	---	---	---	---	---	---	---
LS-6[3]	6	7/1/2011	8.37	1,380	0.54	0.054	19	<0.050	2.6	180	150	---
		10/25/2011	---	---	---	---	---	---	---	---	---	---
		6/20/2013	8.28	2,160	---	0.089	39	7.3	3.1	210	110	---
		6/25/2014	7.76	1,500	0.83	0.08	22	---	3.1	230	140	2.7
		10/25/2014	---	---	---	---	---	---	---	---	---	---
		6/17/2015	8.23	---	---	---	2.4	---	---	---	310	
		10/28/2015	8	4510	0.54	0.4	22	---	---	---	---	---
LS-7[2,3]	6	7/1/2011	8.35	17,000	1.3	0.029	34	<0.0081	12	1,800	48	---
		10/25/2011	7.62	17,100	1.3	0.043	73	14	13	1,800	5,500	5.7
		6/20/2013	8.30	3,980	1.1	0.12	10	60	5.9	490	140	---
		6/25/2014	7.87	1,350	0.83	0.08	18	13	3.9	390	100	4
		10/25/2014	8.06	2,850	0.86	0.09	25	13	---	---	100	---
		6/17/2015	7.75	3890	0.82	---	61	11	9.2	850	260	5
		10/28/2015	8	4050	0.51	0.03	55	---	6.7	530	330	5

1 According to letter dated 9 July 2014, Los Gatos Tomato Products planted almond orchards in Section 17 where lysimeter LS-2 is located. Los Gatos Tomato Products has stated that there are no plans to apply wastewater to the LAA's in Section 17 and therefore, LS-2 needs to be relocated to a location that is representative of the areas receiving wastewater.

2 Lysimeter LS-5 was replaced by LS-7 in 2009.

3 According to the June 2016 Addendum RWD, Los Gatos Tomato Products has planted almond orchards in Section 8 where lysimeters LS-6 and LS-7 are located. Los Gatos Tomato Products has stated that there are no plans to apply wastewater to the LAA's in Section 8 and therefore, LS-6 and LS-7 need to be relocated to a location that is representative of the areas receiving wastewater.

49. According to the Discharger, Sections 8 and 17 of the LAA's where lysimeters, LS-2, LS-6, and LS-7 are located have been planted with almonds and will no longer receive wastewater. Therefore, the Discharger are proposing to relocate LS-2, LS-6, and LS-7. The Discharger can move forward and install the new lysimeters in accordance with the approved 13 January 2006 *Revised Vadose Zone Monitoring and System Design and Installation Work Plan*. This Order requires the Discharger to submit a lysimeter installation report (Provision G.14) certifying the proposed work was completed in accordance with the work plan.

Antidegradation Analysis

50. State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California (*State Antidegradation Policy*) generally prohibits the Central Valley Water Board from authorizing activities that will result in the degradation of high-quality groundwater unless it has been shown that:

    a. The degradation will not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives;

    b. The degradation will not unreasonably affect present and anticipated future beneficial uses;

    c. The Discharger employs Best Practicable Treatment or Control (BPTC) to minimize degradation; and

    d. The degradation is consistent with the maximum benefit to the people of the state.

51. Constituents of concern in the discharge that have the potential to degrade groundwater include organics, nutrients, and salts.

    a. This Order limits organic loading rates to 100 lbs/acre-day over an appropriate discharge cycle when wastewater is applied to minimize effluent discharges form causing reducing conditions below the LAA's. The Order requires submittal of a Wastewater and Nutrient Management Plan to ensure even application of wastewater at agronomic rates to the LAA's. In addition, this Order requires soil monitoring of the LAA's.

    b. For nitrogen, this Order limits the application of wastewater to agronomic rates for both nutrient and hydraulic loading. Total nitrogen loading estimates indicate the discharge will add about 54 lbs/acre-year to the 4,975 acres of LAA's currently available. Nitrogen uptake for cotton, tomatoes, and wheat are 180 lbs/acre-year, 180 lbs/acre-year, and 175 lbs/acre-year, respectively, according to the Western Fertilizer Handbook, Eight Edition. The limited processing and discharge season, significant depth of vadose zone, and application of wastewater at agronomic rates should preclude degradation of groundwater by nitrogen. In addition, this Order requires the Discharger to submit a Wastewater and Nutrient Management Plan.

    c. For salinity, the Basin Plan contains effluent limits of EC of source water plus 500 umhos/cm and 1,000 umhos/cm maximum for discharges to areas that may recharge to good quality groundwater. With a source water of 613 umhos/cm, the average EC of the discharge (1,135 umhos/cm) slightly exceeds the Basin Plan limit of source water plus 500 umhos/cm (1,113 umhos/cm). However as described in Finding 16 above, the discharge is eligible for an exception to the Basin Plan's incremental EC limit for food processing industries with disproportionate increases in EC due to unavoidable concentrations of organic dissolved solids. The 1,000 umhos/cm limit is not applicable because as described in Findings 43 through 49, underlying groundwater is of poor quality with respect to EC based on data prior to 1968 with EC ranging from 1,360 umhos/cm to 2,820 umhos/cm. The EC of the discharge

is less than the EC of underlying groundwater and will not cause degradation with respect to salinity.

52. The Plant described in Findings 7 through 20, will provide treatment and control of the discharge that incorporates:

    1. A cycle average BOD loading rate of 100 lbs/acre/day;

    2. Soil monitoring at the LAA's

    3. Preparation and implementation of Salinity Management Plan to evaluate potential methods to reduce the salinity of the discharge; and

    4. Preparation and implementation of a Wastewater and Nutrient Management Plan to ensure wastewater and nutrients are applied evenly at agronomic rates.

    The Board finds that the preceding treatment and control measures represent BPTC for this discharge.

53. This Order establishes terms and conditions to ensure that the discharge does not unreasonably affect present and anticipated future beneficial uses of groundwater or result in groundwater quality worse than background or the water quality objectives set forth in the Basin Plan.

54. This Order is consistent with the *Antidegradation Policy* since: (a) the Discharger has or will implement BPTC to minimize degradation, (b) the limited degradation allowed by this Order will not unreasonably affect present and anticipated future beneficial uses of groundwater, or result in water quality less than water quality objectives, and (c) the limited degradations is of maximum benefit to the people of the State.

Other Regulatory Considerations

55. In compliance with Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to groundwater meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic uses.

56. Based on the threat and complexity of the discharge, the Plant is determined to be classified as 2C as defined below:

    a. Category 2 threat to water quality: "Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance."

b. Category C complexity: "Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B. Included are dischargers having no waste treatment systems of that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

57. California Code of Regulations, Title 27 ("Title 27") contains regulatory requirements for the treatment, storage, processing, and disposal of solid waste, which includes designated waste, as defined by Water Code section 13173. However, Title 27 exempts certain activities from its provisions. Discharges regulated by this Order are exempt from Title 27 pursuant to provisions that exempt domestic sewage, wastewater, and reuse. The exemption, found at Title 27, section 20090, states in part:

> The following activities shall be exempt from the SWRCB-promulgated provisions of this subdivision, so long as the activity meets, and continues to meet, all preconditions listed:
>
> ***
>
> (b) Wastewater – Discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, or subsurface leachfields if the following conditions are met:
>
> (1) The applicable regional water quality control board has issued WDRs, reclamation requirements, or waived such issuance;
>
> (2) The discharge is in compliance with applicable water quality control plan; and
>
> (3) The wastewater does not need to be managed according to Chapter 11, Division 4.5, Title 22 of this code as a hazardous waste.
>
> ***

58. The discharge of tomato processing wastewater is authorized herein, and the treatment and storage facilities associated with the discharge, are exempt from the requirements of Title 27 as follows:

a. The Central Valley Water Board is issuing WDRs.

b. The discharge is in compliance with the Basin Plan, and;

c. The treated effluent discharged to the LAA's does not need to be managed as hazardous waste.

59. On 1 April 2014, the State Water Board adopted Order 2014-0057-DWQ (NPDES General Permit CAS000001) specifying waste discharge requirements for discharges of storm water associated with industrial activities. Order 2014-0057-DWQ supersedes State Water Board Order 97-03-DWQ (NPDES General Permit CAS000001) and became effective 1 July 2015. Order 2014-0057-DWQ requires all applicable industrial dischargers to apply for coverage under

the new General Order by the effective date. Storm water generated by this Plant does not discharge to waters of the U.S. Coverage under Order 2014-0057-DWQ is not required at this time.

60. Water Code section 13267(b) states that:

> In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste 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.

61. The technical reports required by this Order and monitoring reports required by the attached MRP R5-2017-0022 are necessary to assure compliance with these waste discharge requirements. The Discharger operates the wastewater treatment Plant that discharges the waste subject to this Order.

62. On 17 December 2015, Fresno County, as lead agency approved, Initial Study Application No. 7021 and adopted Mitigated Negative Declaration (State Clearinghouse No. 2015111046) to increase the LAA's by an additional 1,546 acres (Assessor's Parcel Numbers 075-032-24S, 075-032-25S, 075-032-26S, 075-032-27S, 075-032-28, 075-032-72S, 075-050-19S, 075-050-23S, 075-050-24S, 075-050-37S, 075-050-39S, 075-050-46S). The Board, acting as a responsible agency, was consulted during the development of these documents. To mitigate potential impacts to water quality, the CEQA document requires Los Gatos Tomato Products to submit a Report of Waste Discharge for the increase in wastewater flows to the Central Valley Water Board. Compliance with these waste discharge requirements will mitigate or avoid any significant impacts to water quality.

63. Pursuant to Water Code section 13263(g), discharge is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.

Public Notice

64. All the above and the supplemental information and details in the attached Information Sheet, which is incorporated by reference herein, were considered in establishing the conditions of discharge of this Order.

65. The Discharger(s) and interested agencies and persons have been notified of the Central Valley Water Board's intent to prescribe waste discharge requirements for this discharge, and they have been provided an opportunity to submit written comments and recommendations and an opportunity for a public hearing.

66. All comments pertaining to the discharge were heard and considered in a public meeting.

IT IS HEREBY ORDERED that Waste Discharge Requirements Order 5-00-267 are rescinded and that pursuant to Water Code sections 13263 and 13267, the Los Gatos Tomato Products, its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. Discharge of waste to surface waters or surface water drainage courses is prohibited.

2. Discharge of waste classified as 'hazardous', as defined in California Code of Regulations, Title 22, section 66261.1 et seq., is prohibited.

3. Discharge of waste classified as 'designated', as defined in Water Code section 13173, in a manner that causes violation of groundwater limitations, is prohibited.

4. Treatment system bypass or overflow of untreated or partially treated wastes is prohibited, except as allowed by Standard Provisions E.2 in *Standard Provisions and Reporting Requirements for Waste Discharge Requirements*, dated 1 March 1991.

5. Discharge of wastewater in a manner or location other than that described herein or in the RWD and its amendments is prohibited.

6. Discharge of domestic wastewater to the LAA's is prohibited.

B. Flow Limitations

1. The monthly average daily flow shall not exceed 3.8 mgd. **[Compliance shall be determined at EFF-001[1]]**

C. Discharge Specifications

1. No waste constituent shall be released, discharged, or placed where it will cause violation of Groundwater Limitations of this Order.

2. Wastewater treatment, storage, and disposal shall not cause pollution or a nuisance as defined by Water Code section 13050.

3. The discharge shall remain within the permitted waste treatment/containment structures and LAA's at all times.

4. The Discharger shall operate all systems and equipment to optimize the quality of the discharge.

[1] Monitoring location EFF-001 is described in Monitoring and Reporting Program R5-2017-0022

5. All conveyance, treatment, storage, and disposal units shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

6. Objectionable odors shall not be perceivable beyond the limits of the property where the waste is generated, treated, and/or discharged at an intensity that creates or threatens to create nuisance conditions.

7. As a means of discerning compliance with Discharge Specification C.6, the dissolved oxygen (DO) content in the upper one foot of any wastewater pond shall not be less than 1.0 mg/L for three consecutive sampling events. If the DO in any single pond is below 1.0 mg/L for three consecutive sampling events, the Discharger shall report the findings to the Central Valley Water Board in writing within 10 days and shall include a specific plan to resolve the low DO results within 30 days.

8. The Discharger shall maintain and operate ponds sufficiently to protect the integrity of containment levees and prevent overtopping or overflows. Unless a California registered civil engineer certifies (based on design, construction, and conditions of operation and maintenance) that less freeboard is adequate, the operating freeboard shall never be less than two feet (measured vertically). As a means of management and to discern compliance with this requirement, the Discharger shall install and maintain a permanent marker with calibration marks that indicates the water level at the design capacity and enables determination of available operational freeboard.

9. The treatment, storage, and disposal ponds or structures shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, and ancillary inflow and infiltration during the winter while ensuring continuous compliance with all requirements of this Order. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.

10. On or about **1 October** of each year, available pond storage capacity shall be at least equal the volume necessary to comply with Flow Limitation B.1.

11. All ponds and open containment structures shall be managed to prevent breeding of mosquitoes. In particular,

    a. An erosion control plan shall be implemented to ensure that coves and irregularities are not created around the perimeter of the water surface.

    b. Weeds shall be minimized through control of water depth, harvesting, and herbicides.

    c. Dead algae, vegetation and other debris shall not accumulate on the water surface.

d. The Discharger shall consult and coordinate with the local Mosquito Abatement District to minimize the potential for mosquito breeding as needed to supplement the above measures.

12. Newly constructed or rehabilitated berms or levees (excluding internal berms that separate ponds or control the flow of water within the pond) shall be designed and constructed under the supervision of a California Registered Civil Engineer.

D. Groundwater Limitations

Release of waste constituents from any treatment, storage, delivery system, or land application area associated with the discharge shall not cause or contribute to groundwater to contain constituent concentrations in excess of the concentrations specified below or natural background quality, whichever is greater:

1. Nitrate as Nitrogen of 10 mg/L.

2. For constituents identified in Title 22, the primary and secondary MCLs quantified therein.

E. Land Application Area Specifications

1. The cycle average BOD loading rates to the LAA shall not exceed 100 lbs/acre-day over the course of any discharge cycle (i.e., the time between successive applications).

2. Land application of wastewater shall be managed to minimize erosion.

3. Irrigation of the LAA's shall occur only when appropriately trained personnel are on duty.

4. LAA's shall be inspected periodically to determine compliance with the requirements of this Order. If an inspection reveals noncompliance or threat of noncompliance with this Order, the Discharger shall temporarily stop irrigating with process wastewater immediately and implement corrective actions to ensure compliance with this Order.
5. Any runoff of wastewater (tailwater) shall be confined to the LAA's and shall not enter any surface water drainage course or storm water drainage system.

6. The Discharger may not discharge process wastewater to the LAA during rainfall or when soils are saturated.

7. Crops shall be grown in the LAA. Crops shall be selected based on nutrient uptake, consumptive use of water, and irrigation requirements to maximize crop uptake of water and nutrients.

8. Application of waste constituents to the LAA's shall be at reasonable agronomic rates to preclude creation of a nuisance and degradation of groundwater, considering the crop, soil, climate, and irrigation management system. The annual nutritive loading of the LAA's,

including the nutritive value of organic and chemical fertilizers and of the wastewater shall not exceed the annual crop demand.

9. Hydraulic loading of wastewater and supplemental irrigation water shall be at reasonable agronomic rates.

10. The Discharger shall ensure that water, BOD, and nitrogen are applied and distributed uniformly across each LAA field. The Discharger shall implement changes to the irrigation system and/or operation practices as needed to ensure compliance with this specification.

11. The LAA's shall be managed to prevent breeding of mosquitos. In particular:

    a. All applied irrigation water must infiltrate within 48 hours;

    b. Tailwater ditches shall be maintained essentially free of emergent, marginal, and floating vegetation; and

    c. Low-pressure and unpressurized pipelines and ditches accessible to mosquitoes shall not be used to store wastewater.

F. Solids Specifications

Solids generated at the Plant consist of stems, leaves, and other debris removed during the cleaning process.

1. Any drying, handling, and storage of solids at the Plant shall be temporary, and controlled and contained in a manner that minimizes leachate formation and precludes the development of odor nuisance conditions and infiltration of waste constituents into soils in a mass concentration that will violate groundwater limitations of this Order.

2. Collected screening and other solids removed from the liquid waste shall be disposed of in a manner approved by the Executive Officer. Removal for further treatment, disposal, or reuse at sites (i.e., landfill, composting sites, soil amendment sites) operated in accordance with valid waste discharge requirements issued by a regional water quality control board will satisfy this specification.

3. Any proposed change in solids use or disposal practice shall be reported in writing to the Executive Officer at least 90 days in advance of the change.

G. Provisions

1. The Discharger shall comply with MRP R5-2017-0022, which is part of this Order, and any revisions thereto as adopted by the Central Valley Water Board or approved by the Executive Officer.

2. The Discharger shall comply with the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements,* dated 1 March 1991 (Standard Provisions), which are attached hereto and made part of this Order.

3. A copy of this Order, including its MRP, Information Sheet, Attachments, and Standard Provisions, shall be kept at the discharge Plant for reference by operating personnel. Key operating personnel shall be familiar with its contents.

4. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports. On or before each report due date, the Discharger shall submit the specified document to the Central Valley Water Board or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, then the Discharger shall state the reasons for such noncompliance and provide an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board in writing when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of this Order.

5. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This Provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the Discharger when the operation is necessary to achieve compliance with the conditions of this Order.

6. The Discharger shall report promptly to the Central Valley Water Board any material change or proposed change in the character, location, or volume of the discharge.

7. At least **90 days** prior to termination or expiration of any lease, contract, or agreement involving disposal or recycling areas or off-site reuse of effluent, used to justify the capacity authorized herein and assure compliance with this Order, the Discharger shall notify the Central Valley Water Board in writing of the situation and of what measures have been taken or are being taken to assure full compliance with this Order.

8. In the event of any change in control or ownership of land or the Plant presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.

9. To assume operation as Discharger under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the address and telephone number of the persons responsible for contact with the Central Valley Water Board and a statement. The statement shall comply with the

signatory paragraph of Standard Provision B.3 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. If approved by the Executive Officer, the transfer request will be submitted to the Central Valley Water Board for its consideration of transferring the ownership of this Order at one of its regularly scheduled meetings.

10. **By 25 May 2017,** the Discharger shall install an effluent composite sampler at a location where a representative sample of the process wastewater can be obtained prior to discharge to the LAA's. The Discharger shall collect 24-hour composite effluent samples in accordance with Monitoring and Reporting Program R5-2017-0022.

11. **By 26 February 2018,** the Discharger shall submit a Salinity Management Plan with salinity source reduction goals and implementation time schedule for Executive Officer approval. The Salinity Management Plan shall identify any additional methods that could be used to further reduce the salinity of the discharge to the maximum extent feasible. The Discharger shall implement the Plan in accordance with the approved time schedule.

12. **90 days prior to discharging wastewater to APN 075-050-47U and 075-040-58S,** the Discharger shall submit a technical report certifying that the solar panels in Assessor Parcel No. 075-050-47U (approximately 274 acres) and 075-040-58S (approximately 16 acres) have been removed and the land has been restored to agricultural production before wastewater can be applied. The technical report must demonstrate how wastewater will be applied at hydraulic and agronomic rates.

13. **By 23 August 2017,** the Discharger shall submit a Wastewater and Nutrient Management Plan for the LAA's for Executive Officer approval. The Plan must include procedures of daily monitoring of the LAA's and proposed management practices that will be implemented to ensure wastewater and nutrients contained herein are applied evenly at agronomic rates. The objective of the Plan shall be to identify and utilize site specific data to demonstrate that wastewater loading will occur at reasonable agronomic rates that will preclude degradation of groundwater that will exceed Water Quality Objectives or adversely affect Beneficial Uses.

14. The Discharger shall comply with the following schedule to replace lysimeters LS-2, LS-6, and LS-7.

	Task	Report Date
a.	Submit a map identifying proposed locations for LS-2, LS-6, and LS-7 replacement.	**24 November 2017**
b.	Complete lysimeter installation in accordance with the approved 13 January 2006 *Revised Vadose Zone Monitoring and System Design and Installation Work Plan*.	**26 February 2018**
c.	Submit a lysimeter installation report that documents the installation of the lysimeters.	**26 March 2018**

15. The Discharger shall submit the technical reports and work plans required by this Order for consideration by the Executive Officer and incorporate comments the Executive Officer may have in a timely manner, as appropriate. Unless expressly stated otherwise in this Order, the Discharger shall proceed with all work required by the following provisions by the due dates specified.

16. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall bear the professional's signature and stamp.

17. The Central Valley Water Board is currently implementing the CV-SALTS initiative to develop a Basin Plan amendment that will establish a salt and nitrate management plan for the Central Valley. Through this effort the Basin Plan will be amended to define how the narrative water quality objectives are to be interpreted for the protection of agricultural use. If new information or evidence indicates that groundwater limitations are different that those prescribed herein are appropriate, this Order will be reopened to incorporate such limits.

18. The Central Valley Water Board will review this Order periodically and will revise requirements when necessary.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to $10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this 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 CCR, Title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this 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 filling petitions may be found on the Internet at:

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

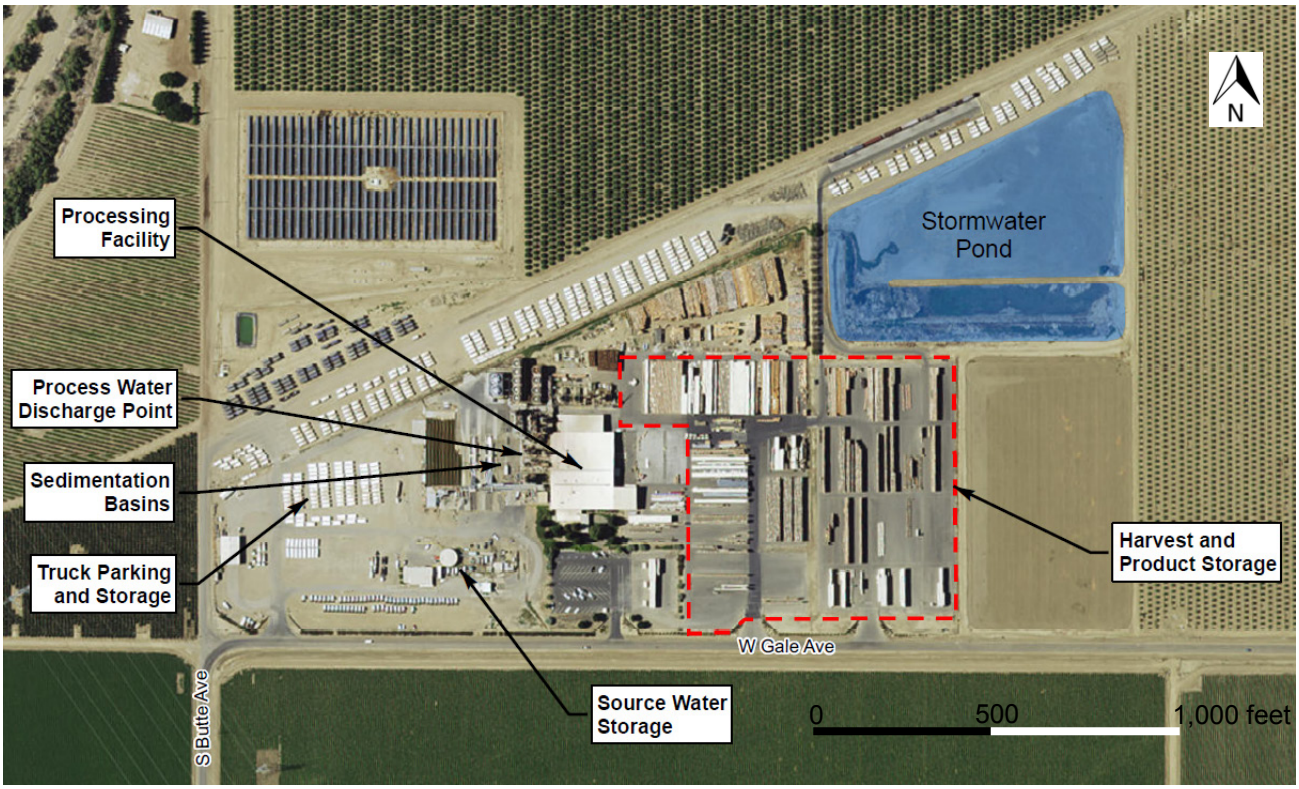
or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 24 February 2017.

Original Signed By

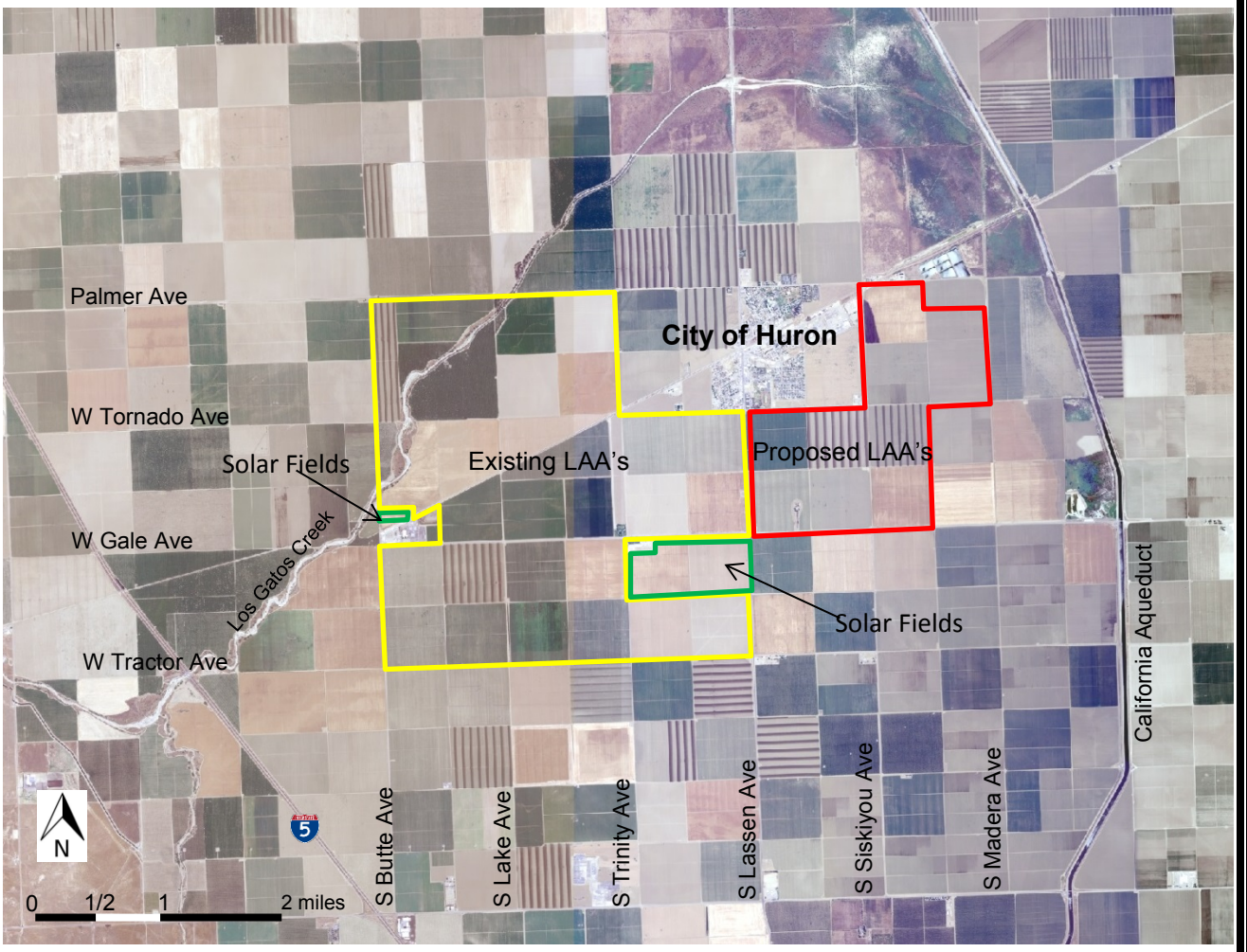
PAMELA C. CREEDON, Executive Officer

Order Attachments:
A Plant Map
B Site Map
C Process Flow Schematic
Monitoring and Reporting Program R5-2017-0022
Information Sheet
Standard Provisions (1 March 1991)



PLANT MAP
WASTE DISCHARGE REQUIREMENTS ORDER R5-2017-0022
FOR
LOS GATOS TOMATO PRODUCTS
HURON TOMATO PROCESSING PLANT
FRESNO COUNTY

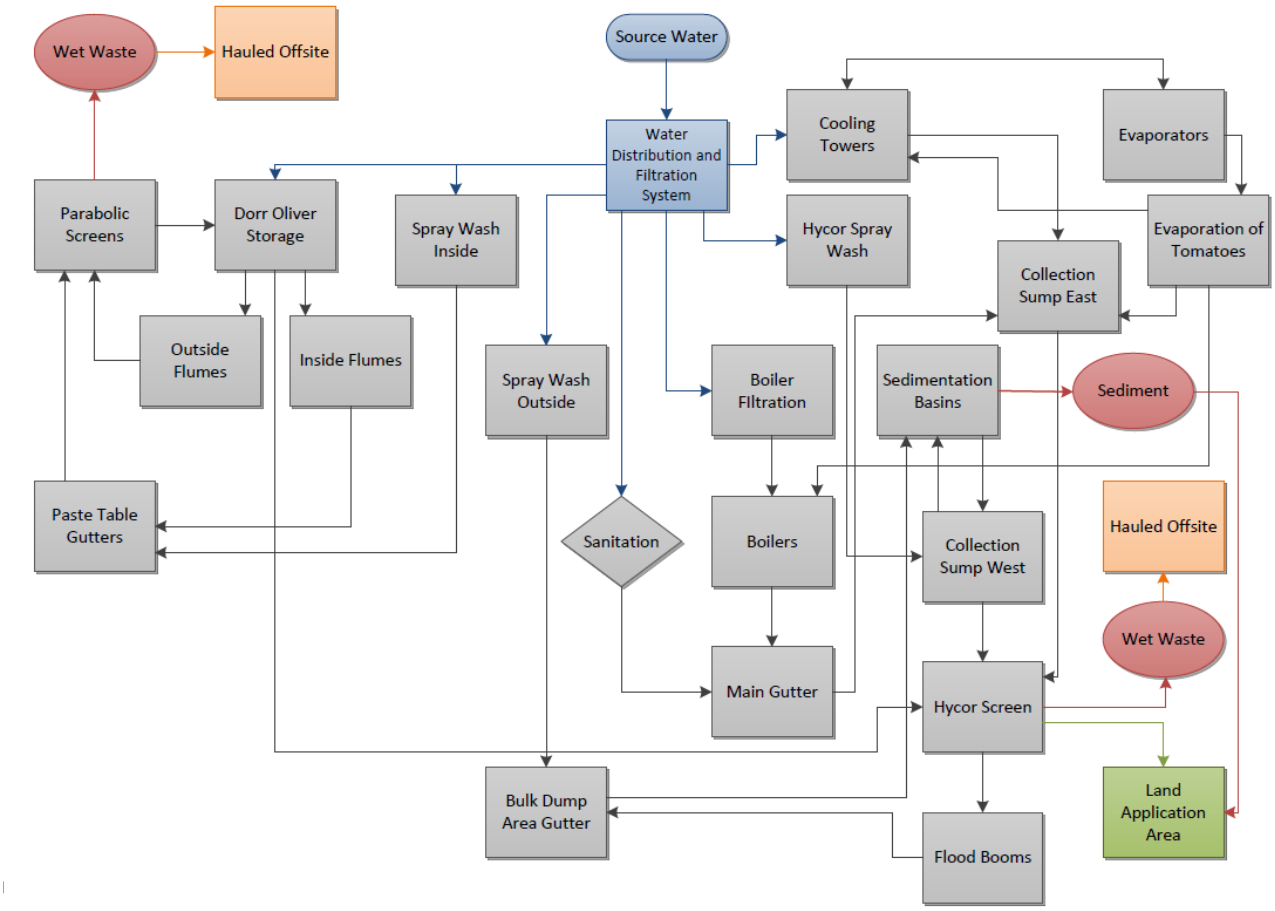
ATTACHMENT A



SITE MAP

WASTE DISCHARGE REQUIREMENTS ORDER R5-2017-0022
FOR
LOS GATOS TOMATO PRODUCTS
HURON TOMATO PROCESSING PLANT
FRESNO COUNTY

ATTACHMENT B



PROCESS FLOW SCHEMATIC

WASTE DISCHARGE REQUIREMENTS ORDER R5-2017-0022
FOR
LOS GATOS TOMATO PRODUCTS
HURON TOMATO PROCESSING PLANT
FRESNO COUNTY

ATTACHMENT C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM R5-2017-0022
FOR
LOS GATOS TOMATO PRODUCTS
HURON TOMATO PROCESSING PLANT
FRESNO COUNTY

This Monitoring and Reporting Program (MRP) is required pursuant to Water Code section 13267.

The Discharger shall not implement any changes to this MRP unless and until the Central Valley Water Board adopts or the Executive Officer issues a revised MRP. Changes to sample location shall be established with concurrence of Central Valley Water Board staff, and a description of the revised stations shall be submitted for approval by the Executive Officer. All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. All analyses shall be performed in accordance with ***Standard Provisions and Reporting Requirements for Waste Discharge Requirements***, dated 1 March 1991 (Standard Provisions).

Field test instruments (such as pH and electrical conductivity) may be used provided that the operator is trained in the proper use of the instrument and each instrument is serviced and/or calibrated at the recommended frequency by the manufacturer and in accordance with manufacturer instructions.

Analytical procedures shall comply with the methods and holding times specified in the following: *Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater* (EPA); *Test Methods for Evaluating Solid Waste* (EPA); *Methods for Chemical Analysis of Water and Wastes* (EPA); *Methods for Determination of Inorganic Substances in Environmental Samples* (EPA); *Standard Methods for the Examination of Water and Wastewater* (APHA/AWWA/WEF); and *Soil, Plant and Water Reference Methods for the Western Region* (WREP 125). Approved editions shall be those that are approved for use by the United States Environmental Protection Agency or the State Water Resources Control Board Environmental Laboratory Accreditation Program. The Discharger may propose alternative methods for approval by the Executive Officer.

If monitoring consistently shows no significant variation in magnitude of a constituent concentration or parameter after at least 12 months of monitoring, the Discharger may request the MRP be revised to reduce monitoring frequency. The proposal must include adequate technical justification for the requested reduction in monitoring frequency.

A glossary of terms used within this MRP is included on page 10.

The Discharger shall monitor the following locations to demonstrate compliance with the requirements of this Order.

Monitoring Location Name	Monitoring Location Description
EFF-001	Location where a representative sample of the WWTF effluent can be obtained prior to discharge to the 6,207 acres of LAA's.
SWM-001	Source Water Supply from Westlands Water District.
LAA-00X through LAA-00Y	6,497 acres of land application areas.
LYM-001, LYM-003, LYM-004, LYM-005, LYM-00X, LYM-00Y, and LYM-00Z	Lysimeters LS-1 (LYM-001), LS-3 (LYM-003), LS-4 (LYM-004), LS-5 (LYM-005), and replacement lysimeters LYM-00X, LYM-00Y, LYM-00Z established pursuant to Provision G.14.
SML-001 through SML-006	Soil monitoring locations shall establish, with concurrence of Central Valley Water Board staff, at least six soil profile monitoring locations within the LAA's and at least two representative background location(s).

EFFLUENT MONITORING

The Discharger shall monitor treated effluent at EFF-001. Effluent monitoring shall include the following:

Frequency	Constituent/Parameter	Units	Sample Type
Continuous	Effluent Flow	mgd	Metered
Weekly	pH	pH Units	24-hour composite
Weekly	EC	umhos/cm	24-hour composite
Weekly	BOD_5	mg/L	24-hour composite
Weekly	TSS	mg/L	24-hour composite
Monthly	TDS	mg/L	24-hour composite
Monthly	Total Organic Carbon	mg/L	24-hour composite
Monthly	Total Alkalinity	mg/L as $CaCO_3$	24-hour composite
Monthly	Fixed Dissolved Solids	mg/L	24-hour composite
2/Monthly	Total Kjeldahl Nitrogen (TKN)	mg/L	24-hour composite
2/Monthly	Nitrate as Nitrogen (NO_3 as N)	mg/L	24-hour composite
2/Monthly	Nitrite as Nitrogen (NO_2 as N)	mg/L	24-hour composite
2/Monthly	Ammonia as Nitrogen (NH_3 as N)	mg/L	24-hour composite
2/Monthly	Total Nitrogen (TN)	mg/L	Computed
Annually	General Minerals[1]	mg/L	24-hour composite

[1] See glossary on page 10 for list of general mineral constituents

SOURCE WATER MONITORING

The Discharger shall monitor SWM-001. For each source (either well or surface water supply), the Discharger shall calculate the flow-weighted average concentrations for the specified constituents utilizing monthly flow data and the most recent chemical analysis conducted in accordance with Title 22 drinking water requirements.

Frequency	Constituent/Parameter	Units	Sample Type
Quarterly	Flow-Weighted EC	umhos/cm	Computed Average
Annually	General Minerals[1,2]	mg/L	Grab

[1] With the exception of wastewater samples, samples must be filtered. If field filtering is not feasible, samples shall be collected in unpreserved containers and submitted to the laboratory within 24 hours with a request (on the chain-of-custody form) to immediately filter then preserve the sample.

[2] See glossary on page 10 for list of general mineral constituents.

LAND APPLICATION AREA MONITORING (PROCESSING SEASON)

The Dischargers shall perform the following routine monitoring and loading calculations for the LAA's during the processing season. In addition the Dischargers shall keep a log of routine monitoring observations (e.g. areas of ponding, broken irrigation pipes, odors and/or flies within the LAA's, etc.). Data shall be collected and presented in tabular format and shall include the following:

Frequency	Constituent/Parameter	Units	Sample Type
Daily	Application Location	n/a	n/a
Daily	Application Area	acres	n/a
Daily	Wastewater Flow	gallons	Metered
Daily	Wastewater Loading	inches/day[1]	Calculated
Daily	Supplemental Irrigation	inches/day[1]	Calculated
Daily	Precipitation[2]	inches/day[1]	Rain gage
BOD Loading Rates:			
Daily	On Day of Application[3]	lbs/acre	Calculated
Daily	Cycle Average[4]	lbs/acre-day	Calculated
Nitrogen Loading Rates:			
Monthly	From Wastewater[5]	lbs/acre	Calculated
Monthly	From Fertilizer[6]	lbs/acre	Calculated
Salt Loading Rates:			
Monthly	From Wastewater[5]	lbs/acre	Calculated
Annually	Cumulative Salt Loading	lbs/acre-year	Calculated

[1] Report to the nearest 0.01 inch.

[2] National Weather Service data from the nearest weather station is acceptable.

[3] Loading rates to be calculated using the applied volume of wastewater, applied acreage, and average of the four most recent concentrations for BOD.

[4] The cycle average BOD loading rates shall be calculated using applied volume of wastewater, applied acreage, and average of the four most recent concentrations for BOD and divided by the number of days between applications.

[5] Nitrogen and salt shall be calculated using the applied volume of wastewater, applied acreage, and average of the four most recent concentrations for total nitrogen and Fixed Dissolved Solids.

[6] Additional nitrogen loading to the land application area from other sources (i.e. organic matter and manure).

LAND APPLICATION AREA MONITORING (NON-PROCESSING SEASON)

The Dischargers shall perform the following routine monitoring and loading calculations during the non-processing season for the LAA's that received process wastewater during the year.

Frequency	Constituent/Parameter	Units	Sample Type
Monthly	Application Location	n/a	n/a
Monthly	Application Area	acres	n/a
Monthly	Irrigation	inches/month[1]	Calculated
Monthly	Precipitation[2]	inches/month[1]	Rain gage
Nitrogen Loading Rates:			
Monthly	From Irrigation Water[3]	lbs/acre	Calculated
Monthly	From Fertilizer[4]	lbs/acre	Calculated

[1] Report to the nearest 0.01 inch.

[2] National Weather Service data from the nearest weather station is acceptable.

[3] Nitrogen and salt shall be calculated using the applied volume of irrigation water, applied acreage, and most recent concentrations for total nitrogen and Fixed Dissolved Solids.

[4] Additional nitrogen loading to the land application area from other sources (i.e. organic matter and manure).

LYSIMETER MONITORING

Lysimeters shall be collected and analyzed for the following:

Frequency	Constituent/Parameter	Units	Sample Type
2/year[1]	pH	pH units	Grab
2/year[1]	EC	umhos/cm	Grab
2/year[1]	TKN	mg/L	Grab
2/year[1]	Ammonia as Nitrogen	mg/L	Grab
2/year[1]	Nitrate as Nitrogen	mg/L	Grab
2/year[1]	Nitrite as Nitrogen	mg/L	Grab
2/year[1]	Sodium	mg/L	Grab
2/year[1]	Chloride	mg/L	Grab
2/year[1]	Potassium	mg/L	Grab
2/year[1]	Total Organic Carbon	mg/L	Grab

[1] The first sampling will occur at the start of the processing season and the second sampling will occur near the end of the processing season.

SOIL MONITORING

The Dischargers shall establish with concurrence of Central Valley Water Board staff, at least six soil profile monitoring locations within the LAA's and at least two representative background location(s) (i.e., that historically have not received process wastewater). The Dischargers shall submit a map to the Central Valley Water Board with the identified sample locations no fewer than **30 days** prior to the first sampling event in October following adoption of this Order. The samples shall be collected and analyzed for the constituents and frequencies specified below:

Frequency	Constituent/Parameter	Units	Sample Type
Annually	Moisture Content	% volume	Grab[1]
Annually	Soil pH	pH units	Grab[1]
Annually	Total Organic Carbon	mg/kg	
Annually	Sodium	mg/kg	Grab[1]
Annually	Chloride	mg/kg	Grab[1]
Annually	Potassium	mg/kg	Grab[1]
Annually	Nitrate as Nitrogen	mg/kg	Grab[1]
Annually	Ammonia as Nitrogen	mg/kg	Grab[1]
Annually	Total Kjeldahl Nitrogen	mg/kg	Grab[1]

[1] Samples shall be collected at 6-inches, 2, 4, and 6 feet below ground surface. Sample depth in any individual sampling location may be terminated at first refusal. The depth of refusal shall be noted in the results for each soil sampling location.

REPORTING

All monitoring results shall be reported in **Quarterly Monitoring Reports** which are due by the first day of the second month after the calendar quarter. Therefore, monitoring reports are due as follows:

First Quarter Monitoring Report:	**1 May**
Second Quarter Monitoring Report:	**1 August**
Third Quarter Monitoring Report:	**1 November**
Fourth Quarter Monitoring Report:	**1 February**

The Central Valley Water Board has gone to a Paperless Office System. All regulatory documents, submissions, materials, data, monitoring reports, and correspondence shall be converted to a searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50MB should be mailed to: centralvalleyfresno@waterboards.ca.gov. Documents that are 50MB or larger should be transferred to a disc and mailed to the appropriate regional water board office, in this case 1685 E Street, Fresno, CA, 93706.

To ensure that your submittals are routed to the appropriate staff, the following information block should be included in any email used to transmit documents to this office:

Program: Non-15, WDID: 5D102109001, Facility Name: Los Gatos Tomato Products,
Order: R5-2017-0022

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner that illustrates clearly, whether the Discharger complies with waste discharge requirements, and shall discuss any violations that occurred during the reporting period and all actions taken or planned for correcting violations, such as operation or facility modifications. If the Discharger has previously submitted a report describing corrective actions or a time schedule for implementing the corrective actions, reference to the previous correspondence is satisfactory.

In addition to the details specified in Standard Provision C.3, monitoring information shall include the method detection limit (MDL) and the reporting limit (RL) or practical quantitation limit (PQL). If the regulatory limit for a given constituent is less than the RL (or PQL), then any analytical results for that constituent that are below the RL (or PQL) but above the MDL shall be reported and flagged as estimated.

Laboratory analysis reports do not need to be included in the monitoring reports; however, the laboratory reports must be retained for a minimum of three years in accordance with Standard Provision C.3.

All monitoring reports shall comply with the signatory requirements in Standard Provision B.3.

All monitoring reports that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1.

In the future, the State or Central Valley Water Board may notify the Discharger to electronically submit and upload monitoring reports using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site http://www.waterboards.ca.gov/ciwqs/index.html or similar system. Electronic submittal to CIWQS, when implemented, will meet the requirements of our Paperless Office System.

A. All Quarterly Monitoring Reports shall include the following:

Wastewater Reporting

1. The results of Effluent Monitoring specified on page 2.

2. For each month of the processing season, calculation of the maximum daily flow, monthly average flow, and cumulative annual flow.

3. For each month of the processing season, calculation of the monthly average EC and BOD concentrations.

Source Water Reporting

1. The results of Source Water Monitoring specified on page 3.

Land Application Area Reporting

1. The results of the routine monitoring and loading calculations specified on page 3 and 4.

2. Provide a Site Map of the LAA's showing predominant features, and include field numbers (if applicable) and acreage where wastewater was applied.

3. For each month that wastewater is applied to the LAA's, calculation of the monthly hydraulic load for wastewater and supplemental irrigation water (in million gallons) to each discrete irrigation area.

4. A summary of the notations made in the LAA's monitoring log during routine observations. The entire contents of the log do not need to be submitted.

Lysimeter Reporting

1. The results of the Lysimeter Monitoring specified on page 4.

2. For each lysimeter, a table showing constituent concentrations for at least five previous years, if available, through the current quarter.

B. Fourth Quarter Monitoring Reports, in addition to the above, shall include the following:

Facility Information

1. The names and general responsibilities of all persons in charge of wastewater management.

2. The names and telephone numbers of persons to contact regarding the Plant for emergency and routine situations.

3. A statement certifying when the flow meter and other monitoring instruments and devises were last calibrated, including identification of who performed the calibrations (Standard Provision C.4).

4. A summary of any changes in processing that might affect waste characterization and/or discharger flow rates.

Solids Reporting

1. Annual production totals in dry tons or cubic yards.

2. A description of disposal methods, including the following information related to the disposal methods used. If more than one method is used, include the percentage disposed of by each method.

a. For landfill disposal, include: the name and location of the landfill, and the Order number of WDRs that regulate it.

b. For land application, include: the location of the site, and the Order number of any WDRs that regulate it.

c. For incineration, include: the name and location of the site where incineration occurs, the Order number of WDRs that regulate the site, the disposal method of ash, and the name and location of the facility receiving ash (if applicable).

d. For composting, include: the location of the site, and the Order number of any WDRs that regulate it.

e. For beneficial reuse at locations and by entities not operating under WDRs, and as approved by the Executive Officer, include: the name and location of the site where the beneficial reuse occurs and/or solids are sent for beneficial reuse.

Soil Reporting

1. The tabulated results of Soil Monitoring specified on page 5.

Land Application Area Reporting

1. The type of crop(s) grown in the LAA's, planting and harvest dates, and the quantified nitrogen and fixed dissolved solids uptakes (as estimated by technical references or, preferably, determined by representative plant tissue analysis).

2. The monthly and annual discharge volume during the reporting year expressed in million gallons and inches.

3. A monthly balance for the reporting year that includes:

   a. Monthly crop uptake

      i. Crop water utilization rates are available from a variety of publications available from the local University of California Davis extension office.

      ii. Irrigation efficiency – Frequently, engineers include a factor for irrigation efficiency such that the application rate is slightly greater than the crop utilization rate. A conservative design does not include this value.

         (a) Monthly average precipitation – this data is available at

            http://www.cimis.water.ca.gov/ or at http://www.ncdc.noaa.gov

         (b) Monthly average and annual average discharge flow rates.

(c) Monthly estimates of the amount of wastewater percolating below the root zone (i.e., amount of wastewater applied in excess of crop requirements).

4. A summary of average and cycle BOD loading rates.

5. The total pounds of nitrogen applied to the LAA's, as calculated from the sum of the monthly loadings, and the total annual nitrogen loading to the LAA's in lbs/acre-year.

6. The total pounds of fixed dissolved solids that have been applied to the LAA's in lbs/acre-year, as calculated from the sum of the monthly loadings.

The Discharger shall implement the above monitoring program on the first day of the month following adoption of this Order.

Ordered by: *Original Signed By*
PAMELA C. CREEDON, Executive Officer

24 February 2017
(Date)

GLOSSARY

BOD_5	Five-day biochemical oxygen demand
CBOD	Carbonaceous BOD
DO	Dissolved oxygen
EC	Electrical conductivity at 25° C
FDS	Fixed dissolved solids
NTU	Nephelometric turbidity unit
TKN	Total Kjeldahl nitrogen
TDS	Total dissolved solids
TSS	Total suspended solids
Continuous	The specified parameter shall be measured by a meter continuously.
24-Hour Composite	Samples shall be a flow-proportioned composite consisting of at least eight aliquots.
Daily	Samples shall be collected at least every day.
Twice Weekly	Samples shall be collected at least twice per week on non-consecutive days.
Weekly	Samples shall be collected at least once per week.
Twice Monthly	Samples shall be collected at least twice per month during non-consecutive weeks.
Monthly	Samples shall be collected at least once per month.
Bimonthly	Samples shall be collected at least once every two months (i.e., six times per year) during non-consecutive months.
Quarterly	Samples shall be collected at least once per calendar quarter. Unless otherwise specified or approved, samples shall be collected in January, April, July, and October.
Semiannually	Samples shall be collected at least once every six months (i.e., two times per year). Unless otherwise specified or approved, samples shall be collected in April and October.
Annually	Samples shall be collected at least once per year. Unless otherwise specified or approved, samples shall be collected in October.
mg/L	Milligrams per liter
mL/L	milliliters [of solids] per liter
ug/L	Micrograms per liter
umhos/cm	Micromhos per centimeter
mgd	Million gallons per day
MPN/100 mL	Most probable number [of organisms] per 100 milliliters
General Minerals	Analysis for General Minerals shall include at least the following:

Alkalinity	Chloride	Sodium
Bicarbonate	Hardness	Sulfate
Calcium	Magnesium	TDS
Carbonate	Potassium	Nitrate

General Minerals analyses shall be accompanied by documentation of cation/anion balance. With the exception of wastewater samples, samples must be filtered. If field filtering is not feasible, samples shall be collected in unpreserved containers and submitted to the laboratory within 24 hours with a request (on the chain-of-custody form) to immediately filter then preserve the sample.

INFORMATION SHEET

INFORMATION SHEET ORDER R5-2017-0022
LOS GATOS TOMATO PRODUCTS
HURON TOMATO PROCESSING PLANT
FRESNO COUNTY

Background

Waste Discharge Requirements (WDRs) Order 5-00-267 currently regulates the Huron Tomato Processing Plant (Plant) and limit the discharge to a monthly average flow of 2.5 million gallons per day (mgd) to 5,320 acres of land application areas (LAA's).

On 26 February 2008, the Discharger submitted a Report of Waste Discharge (RWD) for an increase in its LAA's. Subsequently, the Discharger submitted addendum RWD's on 6 December 2013 and 6 June 2016 for a flow increase up to 3.8 mgd (monthly average flow) and up to 6.0 mgd (daily maximum flow).

Existing Discharge

The processing season is from late June to early October. Wastewater at the Plant is generated from rinsing tomatoes (rinse wastewater), equipment sanitation, boiler blowdown, water softener reject, cooling tower blowdown, and condensates from evaporation processes (process wastewater).

Tomatoes are unloaded from the trucks via a water wash out. As the tomatoes are unloaded they are cleaned of their steams, leaves, and soil residue. The tomatoes are then elevated into a flume system where chlorinated water is added to clean tomatoes. The tomatoes are then processed into tomato paste and the rinse wastewater is routed to the sedimentation sump where it comingles with process wastewater.

Proposed Discharge

The Discharger proposes to increase its LAA's by an additional 1,546 acres. Subsequently, the Discharger proposed to increase its wastewater flows from 2.5 mgd up to 3.8 mgd (monthly average flow) and from 4.0 mgd up to 6.0 mgd (daily maximum flow).

The June 2016 addendum RWD describes a total of 6,545 acres of which 4,975 acres are currently available to receive wastewater; 1,232 acres are currently occupied with a permanent crop that does not receive wastewater and can potentially receive wastewater in the future, 290 acres (274 acres from APN 075-050-47U & 16 acres from APN 075-040-58S) are occupied with solar panels that can potentially be converted to farmland in the future, and approximately 48 acres where the processing plant is located. Of the total LAA's 6,143 acres of land are owned by the Woolf Family Trust No. 1 the remainder 354 acres (APN's 075-040-31, 075-040-32, and 075-032-28) are leased by the Discharger from nearby land owners. The Discharger has obtained approval letters from the owners of the land to discharge tomato process wastewater to the parcels. Table 2 below shows ownership and acreage information for all of the LAA's along with the parcels currently occupied with solar panels for an approximate total of 6,497 acres of total LAA's.

Table 2. Existing and Additional LAA's

APN	Owner	LAA Acres	Existing or Additional LAA's
075-100-03	GB3 Farming Trust	0.5	Existing
075-100-04	GB3 Farming Trust	0.5	Existing
075-100-05	GB3 Farming Trust	0.5	Existing
075-100-06	GB3 Farming Trust	1	Existing
075-100-15	GB3 Farming Trust	1.26	Existing
075-100-19S	GB3 Farming Trust	1	Existing
075-100-11	GB3 Farming Trust	1	Existing
075-100-12S	GB3 Farming Trust	6	Existing
075-100-17	GB3 Farming Trust	2.89	Existing
075-100-20S	GB3 Farming Trust	25.6	Existing
075-020-44S	GB3 Farming Trust	40	Existing
075-020-45S	GB3 Farming Trust	80	Existing
075-020-50S	GB3 Farming Trust	85.56	Existing
075-020-51S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	234.44	Existing
075-020-54S	GB3 Farming Trust	82.44	Existing
075-020-55S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	77.56	Existing
075-020-11S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	639.91	Existing
075-040-27S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	125.27	Existing
075-040-38S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	30.86	Existing
075-040-39S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	29.79	Existing
075-040-40S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	152.98	Existing
075-040-41S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	158.18	Existing
075-040-42S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A	127.8	Existing
075-040-57S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	139.82	Existing
075-040-58S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	400	Existing – Partial Use
075-050-42S	GB3 Farming Trust	156.97	Existing
075-050-43S	GB3 Farming Trust	159.96	Existing
075-050-48S	GB3 Farming Trust	313.49	Existing
075-040-28S	GB3 Farming Trust	158.79	Existing
075-040-29S	GB3 Farming Trust	160	Existing
075-040-31	BARBARA GAMBLE AND KENNETH CLANTON	156.38	Existing
075-040-32	ARTHUR JACK DAHLGREN, LARRY JAMES DAHLGREN, AND RICHARD PAUL DAHLGREN	158.18	Existing
075-040-15S	WOOLF JOHN L JR & BERNICE M TRS FRANSON ANNE WOOLF TRUSTEE	635.37	Existing
075-050-47U	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	273.82	Solar Panels - Potential Future Use
075-130-54S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A	78.48	Existing
075-130-59S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A	78.48	Existing
075-130-60S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A	156.25	Existing
075-130-10S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A	1.25	Existing
075-130-12S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A	2.5	Existing
075-032-24S	GB3 Farming Trust	160	Proposed
075-032-25S	GB3 Farming Trust	160	Proposed
075-032-26S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	80	Proposed
075-032-27S	WOOLF CHRISTOPHER R TRUSTEE DELAWARE ANNE A TRUSTEE	37.63	Proposed
075-032-28	SEMPER JON M TRUSTEE PARNAGIAN LINDA C TRUSTEE	40	Proposed
075-032-72S	GB3 Farming Trust	120	Proposed
075-050-19S	GB3 Farming Trust	317.57	Proposed
075-050-23S	GB3 Farming Trust	39.03	Proposed
075-050-24S	GB3 Farming Trust	119.09	Proposed
075-050-37S	GB3 Farming Trust	160	Proposed

075-050-39S	GB3 Farming Trust	157.58	Proposed
075-050-46S	GB3 Farming Trust	155.52	Proposed

Existing LAA's	4,660.96	acres
Additional LAA's	1,546.42	acres
Total LAA's after inclusion of 274 acres from APN 075-050-47U	6,481.20	acres
Total LAA's after inclusion of 16 aces from APN 075-040-58S	6,497.15	acres

Soil and Groundwater Conditions

Soils below the Plant and LAA's are predominately Westhaven loam, Excelsior sandy loam, and Westhaven clay loam according to the Web Soil Survey published by the United States Department of Agriculture, Natural Resources Conservation Service.

Los Gatos Tomato Products collects soil samples from its LAA's. Analytical data for 2015 is shown below.

Table 3. Soil Monitoring Data

Depth (feet)	pH (pH Units)	Buffer pH (pH Units)	Total Alkalinity as $CaCO_3$ (mg/L)	CEC[1] (meq/100g)	NO_3-N (mg/kg)	TKN (mg/kg)	NH_3-N (mg/kg)	Total N (mg/kg)	PO_4-P (mg/kg)	HCO_3 (meq/L)
2015 HA-1										
0-0.5	7.8	7.6	38	25	44.0	650	29.0	700	2.40	0.8
0.5-2	8.2	7.8	29	22	9.4	420	16.0	430	0.93	0.6
2-4	8.1	7.6	18	25	13.0	290	16.0	300	---	0.4
4-6	8.2	7.8	20	22	59.0	380	25.0	440	0.30	0.4
2015 HA-2[2]										
0-0.5	7.8	7.5	20	20	8.5	430	20.0	440	4.00	0.4
0.5-2	8.5	7.9	28	17	3.7	100	11.0	100	0.46	0.6
2-4	8.6	8.1	43	20	1.1	220	8.8	220	0.19	0.9
4-6	8.4	7.9	43	27	19.0	320	13.0	340	0.77	0.9
2015 HA-3										
0-0.5	7.8	7.6	34	26	58.0	620	24.0	670	2.20	0.7
0.5-2	8.3	7.7	26	22	8.0	310	15.0	320	0.90	0.5
2-4	8.5	7.8	26	24	2.4	140	11.0	150	0.93	0.5
4-6	8.6	8.0	32	23	2.8	200	13.0	200	1.70	0.7
2015 HA-4										
0-0.5	7.7	7.4	57	26	46.0	680	34.0	730	3.30	1.1
0.5-2	8.2	7.9	37	22	3.8	400	24.0	410	1.40	0.7
2-4	8.3	7.9	30	28	2.8	300	110.0	300	0.74	0.6
4-6	8.1	7.8	19	33	8.4	270	11.0	280	0.28	0.4
2015 HA-5[2]										
0-0.5	7.5	7.1	15	21	360.0	770	31.0	1,100	3.20	0.3
0.5-2	8.3	7.8	42	19	5.8	380	31.0	390	0.85	0.9

Depth (feet)	pH (pH Units)	Buffer pH (pH Units)	Total Alkalinity as $CaCO_3$ (mg/L)	CEC[1] (meq/100g)	NO_3-N (mg/kg)	TKN (mg/kg)	NH_3-N (mg/kg)	Total N (mg/kg)	PO_4-P (mg/kg)	HCO_3 (meq/L)
2-4	8.8	8.3	38	18	3.6	120	15.0	130	1.00	0.8
4-6	8.3	8.0	32	16	9.2	280	13.0	290	0.56	0.6

1 Cation exchange capacity shown as CEC
2 According to letter dated 9 July 2014, Los Gatos Tomato Products planted almond orchards in Section 17 where soil sampling locations HA-2 and HA-5 are located. Los Gatos Tomato Products has stated that there are no plans to apply wastewater to the LAA's in Section 17 and therefore, HA-2 and HA-5 need to be relocated.

First encountered groundwater below the Plant and LAA's is approximately 200 to 300 feet below ground surface, according to *Ground-Water Conditions in the Mendota-Huron Area Fresno and Kings Counties, California, Geological Survey Water-Supply Paper 1360-G* (Plate 34), published by the US Department of Interior in 1957.

Legal Effect of Rescission of Prior WDRs or Orders on Existing Violations

The Board's rescission of prior waste discharge requirements and/or monitoring and reporting orders does not extinguish any violations that may have occurred during the time those waste discharge requirements or orders were in effect. The Central Valley Water Board reserves the right to take enforcement actions to address violations of prior prohibitions, limitations, specifications, requirements, or provisions of rescinded waste discharge requirements or orders as allowed by law.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

STANDARD PROVISIONS AND REPORTING REQUIREMENTS FOR WASTE DISCHARGE REQUIREMENTS

1 March 1991

A. General Provisions:

1. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, or protect the Discharger from liabilities under federal, state, or local laws. This Order does not convey any property rights or exclusive privileges.

2. The provisions of this Order are severable. If any provision of this Order is held invalid, the remainder of this Order shall not be affected.

3. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:

   a. Violation of any term or condition contained in this Order;

   b. Obtaining this Order by misrepresentation, or failure to disclose fully all relevant facts;

   c. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge;

   d. A material change in the character, location, or volume of discharge.

4. Before making a material change in the character, location, or volume of discharge, the discharger shall file a new Report of Waste Discharge with the Regional Board. A material change includes, but is not limited to, the following:

   a. An increase in area or depth to be used for solid waste disposal beyond that specified in waste discharge requirements.

   b. A significant change in disposal method, location or volume, e.g., change from land disposal to land treatment.

   c. The addition of a major industrial, municipal or domestic waste discharge facility.

   d. The addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

5. Except for material determined to be confidential in accordance with California law and regulations, all reports prepared in accordance with terms of this Order shall be available for public inspection at the offices of the Board. Data on waste discharges, water quality, geology, and hydrogeology shall not be considered confidential.

6. The discharger shall take all reasonable steps to minimize any adverse impact to the waters of the state resulting from noncompliance with this Order. Such steps shall include accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.

7. The discharger shall maintain in good working order and operate as efficiently as possible any facility, control system, or monitoring device installed to achieve compliance with the waste discharge requirements.

8. The discharger shall permit representatives of the Regional Board (hereafter Board) and the State Water Resources Control Board, upon presentations of credentials, to:

   a. Enter premises where wastes are treated, stored, or disposed of and facilities in which any records are kept,

   b. Copy any records required to be kept under terms and conditions of this Order,

   c. Inspect at reasonable hours, monitoring equipment required by this Order, and

   d. Sample, photograph and video tape any discharge, waste, waste management unit, or monitoring device.

9. For any electrically operated equipment at the site, the failure of which would cause loss of control or containment of waste materials, or violation of this Order, the discharger shall employ safeguards to prevent loss of control over wastes. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means.

10. The fact that it would have been necessary to halt or reduce the permitted activity in Order to maintain compliance with this Order shall not be a defense for the discharger's violations of the Order.

11. Neither the treatment nor the discharge shall create a condition of nuisance or pollution as defined by the California Water Code, Section 13050.

12. The discharge shall remain within the designated disposal area at all times.

B. General Reporting Requirements:

1. In the event the discharger does not comply or will be unable to comply with any prohibition or limitation of this Order for any reason, the discharger shall notify the Board by telephone at **(916) 464-3291** *[Note: Current phone numbers for all three Regional Board offices may be found on the internet at http://www.swrcb.ca.gov/rwqcb5/contact_us.]* as soon as it or its agents

have knowledge of such noncompliance or potential for noncompliance, and shall confirm this notification in writing within **two weeks**. The written notification shall state the nature, time and cause of noncompliance, and shall include a timetable for corrective actions.

2. The discharger shall have a plan for preventing and controlling accidental discharges, and for minimizing the effect of such events.

   This plan shall:

   a. Identify the possible sources of accidental loss or leakage of wastes from each waste management, treatment, or disposal facility.

   b. Evaluate the effectiveness of present waste management/treatment units and operational procedures, and identify needed changes of contingency plans.

   c. Predict the effectiveness of the proposed changes in waste management/treatment facilities and procedures and provide an implementation schedule containing interim and final dates when changes will be implemented.

   The Board, after review of the plan, may establish conditions that it deems necessary to control leakages and minimize their effects.

3. All reports shall be signed by persons identified below:

   a. <u>For a corporation</u>: by a principal executive officer of at least the level of senior vice-president.

   b. <u>For a partnership or sole proprietorship</u>: by a general partner or the proprietor.

   c. <u>For a municipality, state, federal or other public agency</u>: by either a principal executive officer or ranking elected or appointed official.

   d. A duly authorized representative of a person designated in 3a, 3b or 3c of this requirement if;

      (1) the authorization is made in writing by a person described in 3a, 3b or 3c of this provision;

      (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a waste management unit, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

      (3) the written authorization is submitted to the Board

Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of the those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

4. Technical and monitoring reports specified in this Order are requested pursuant to Section 13267 of the Water Code. Failing to furnish the reports by the specified deadlines and falsifying information in the reports, are misdemeanors that may result in assessment of civil liabilities against the discharger.

5. The discharger shall mail a copy of each monitoring report and any other reports required by this Order to:

California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114
Note: Current addresses for all three Regional Board offices may be found on the internet at http://www.swrcb.ca.gov/rwqcb5/contact_us.
or the current address if the office relocates.

C. Provisions for Monitoring:

1. All analyses shall be made in accordance with the latest edition of: (1) *Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater* (EPA 600 Series) and (2) *Test Methods for Evaluating Solid Waste* (SW 846-latest edition). The test method may be modified subject to application and approval of alternate test procedures under the Code of Federal Regulations (40 CFR 136).

2. Chemical, bacteriological, and bioassay analysis shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the discharger, analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by Board staff. The Quality Assurance-Quality Control Program must conform to EPA guidelines or to procedures approved by the Board.

   Unless otherwise specified, all metals shall be reported as Total Metals.

3. The discharger shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings of continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to

complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Record of monitoring information shall include:

a. the date, exact place, and time of sampling or measurements,
b. the individual(s) who performed the sampling of the measurements,
c. the date(s) analyses were performed,
d. the individual(s) who performed the analyses,
e. the laboratory which performed the analysis,
f. the analytical techniques or methods used, and
g. the results of such analyses.

4. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated at least yearly to ensure their continued accuracy.

5. The discharger shall maintain a written sampling program sufficient to assure compliance with the terms of this Order. Anyone performing sampling on behalf of the discharger shall be familiar with the sampling plan.

6. The discharger shall construct all monitoring wells to meet or exceed the standards stated in the State Department of Water Resources *Bulletin 74-81* and subsequent revisions, and shall comply with the reporting provisions for wells required by Water Code Sections 13750 through 13755.22

D. Standard Conditions for Facilities Subject to California Code of Regulations, Title 23, Division3, Chapter 15 (Chapter 15)

1. All classified waste management units shall be designed under the direct supervision of a California registered civil engineer or a California certified engineering geologist. Designs shall include a Construction Quality Assurance Plan, the purpose of which is to:

   a. demonstrate that the waste management unit has been constructed according to the specifications and plans as approved by the Board.

   b. provide quality control on the materials and construction practices used to construct the waste management unit and prevent the use of inferior products and/or materials which do not meet the approved design plans or specifications.

2. Prior to the discharge of waste to any classified waste management unit, a California registered civil engineer or a California certified engineering geologist must certify that the waste management unit meets the construction or prescriptive standards and performance goals in Chapter 15, unless an engineered alternative has been approved by the Board. In the case of an engineered alternative, the registered civil engineer or a certified engineering geologist must

certify that the waste management unit has been constructed in accordance with Board-approved plans and specifications.

3. Materials used to construct liners shall have appropriate physical and chemical properties to ensure containment of discharged wastes over the operating life, closure, and post-closure maintenance period of the waste management units.

4. Closure of each waste management unit shall be performed under the direct supervision of a California registered civil engineer or a California certified engineering geologist.

E. Conditions Applicable to Discharge Facilities Exempted from Chapter 15 Under Section 2511

1. If the discharger's wastewater treatment plant is publicly owned or regulated by the Public Utilities Commission, it shall be supervised and operated by persons possessing certificates of appropriate grade according to California Code of Regulations, Title 23, Division 4, Chapter 14.

2. By-pass (the intentional diversion of waste streams from any portion of a treatment facility, except diversions designed to meet variable effluent limits) is prohibited. The Board may take enforcement action against the discharger for by-pass unless:

   a. (1) By-pass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a by-pass. Severe property damage does not mean economic loss caused by delays in production); and

      (2) There were no feasible alternatives to by-pass, such as the use of auxiliary treatment facilities or retention of untreated waste. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a by-pass that would otherwise occur during normal periods of equipment downtime or preventive maintenance; or

   b. (1) by-pass is required for essential maintenance to assure efficient operation; and

      (2) neither effluent nor receiving water limitations are exceeded; and

      (3) the discharger notifies the Board ten days in advance.

   The permittee shall submit notice of an unanticipated by-pass as required in paragraph B.1. above.

3. A discharger that wishes to establish the affirmative defense of an upset (see definition in E.6 below) in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other evidence, that:

a. an upset occurred and the cause(s) can be identified;

b. the permitted facility was being properly operated at the time of the upset;

c. the discharger submitted notice of the upset as required in paragraph B.1. above; and

d. the discharger complied with any remedial measures required by waste discharge requirements.

In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof.

4. A discharger whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment, collection, and disposal facilities. The projections shall be made in January, based on the last three years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in four years, the discharger shall notify the Board by **31 January**.

5. Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to disposal. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.

6. Definitions

   a. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action.

   b. The monthly average discharge is the total discharge by volume during a calendar month divided by the number of days in the month that the facility was discharging. This number is to be reported in gallons per day or million gallons per day.

      Where less than daily sampling is required by this Order, the monthly average shall be determined by the summation of all the measured discharges by the number of days during the month when the measurements were made.

   c. The monthly average concentration is the arithmetic mean of measurements made during the month.

   d. The "daily maximum" **discharge** is the total discharge by volume during any day.

e. The "daily maximum" **concentration** is the highest measurement made on any single discrete sample or composite sample.

f. A "grab" sample is any sample collected in less than 15 minutes.

g. Unless otherwise specified, a composite sample is a combination of individual samples collected over the specified sampling period;

(1) at equal time intervals, with a maximum interval of one hour

(2) at varying time intervals (average interval one hour or less) so that each sample represents an equal portion of the cumulative flow.

The duration of the sampling period shall be specified in the Monitoring and Reporting Program. The method of compositing shall be reported with the results.

7. Annual Pretreatment Report Requirements:

Applies to dischargers required to have a Pretreatment Program as stated in waste discharge requirements.)

The annual report shall be submitted **by 28 February** and include, but not be limited to, the following items:

a. A summary of analytical results from representative, flow-proportioned, 24-hour composite sampling of the influent and effluent for those pollutants EPA has identified under Section 307(a) of the Clean Water Act which are known or suspected to be discharged by industrial users.

The discharger is not required to sample and analyze for asbestos until EPA promulgates an applicable analytical technique under 40 CFR (Code of Federal Regulations) Part 136. Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent sampling analysis. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples taken at equal time intervals over the 24-hour period. Wastewater and sludge sampling and analysis shall be performed at least annually. The discharger shall also provide any influent, effluent or sludge monitoring data for nonpriority pollutants which may be causing or contributing to Interference, Pass Through or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

b. A discussion of Upset, Interference, or Pass Through incidents, if any, at the treatment plant which the discharger knows or suspects were caused by industrial users of the system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken and, if known, the name and address of the industrial user(s) responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any

additional limitations, or changes to existing requirements, may be necessary to prevent Pass Through, Interference, or noncompliance with sludge disposal requirements.

c. The cumulative number of industrial users that the discharger has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.

d. An updated list of the discharger's industrial users including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The discharger shall provide a brief explanation for each deletion. The list shall identify the inddustrial users subject to federal categorical standards by specifying which set(s) of standards are applicable. The list shall indicate which categorical industries, or specific pollutants from each industry, are subject to local limitations that are more stringent that the federal categorical standards. The discharger shall also list the noncategorical industrial users that are subject only to local discharge limitations. The discharger shall characterize the compliance status through the year of record of each industrial user by employing the following descriptions:

(1) Complied with baseline monitoring report requirements (where applicable);

(2) Consistently achieved compliance;

(3) Inconsistently achieved compliance;

(4) Significantly violated applicable pretreatment requirements as defined by 40 CFR 403.8(f)(2)(vii);

(5) Complied with schedule to achieve compliance (include the date final compliance is required);

(6) Did not achieve compliance and not on a compliance schedule;

(7) Compliance status unknown.

A report describing the compliance status of any industrial user characterized by the descriptions in items (d)(3) through (d)(7) above shall be **submitted quarterly from the annual report date** to EPA and the Board. The report shall identify the specific compliance status of each such industrial user. This quarterly reporting requirement shall commence upon issuance of this Order.

e. A summary of the inspection and sampling activities conducted by the discharger during the past year to gather information and data regarding the industrial users. The summary shall include but not be limited to, a tabulation of categories of dischargers that were inspected and sampled; how many and how often; and incidents of noncompliance detected.

f. A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of the industrial users affected by the following actions:

(1) Warning letters or notices of violation regarding the industrial user's apparent noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the federal categorical standards or local discharge limitations;

(2) Administrative Orders regarding the industrial user's noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations;

(3) Civil actions regarding the industrial user's noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations;

(4) Criminal actions regarding the industrial user's noncompliance with federal categorical standards or local discharge limitations. For each industrial user, identify whether the violation concerned the federal categorical standards or local discharge limitations.

(5) Assessment of monetary penalties. For each industrial user identify the amount of the penalties;

(6) Restriction of flow to the treatment plant; or

(7) Disconnection from discharge to the treatment plant.

g. A description of any significant changes in operating the pretreatment program which differ from the discharger's approved Pretreatment Program, including, but not limited to, changes concerning: the program's administrative structure; local industrial discharge limitations; monitoring program or monitoring frequencies; legal authority of enforcement policy; funding mechanisms; resource requirements; and staffing levels.

h. A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.

i. A summary of public participation activities to involve and inform the public.

j. A description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

Duplicate signed copies of these reports shall be submitted to the Board and:

Regional Administrator
U.S. Environmental Protection Agency W-5
75 Hawthorne Street
San Francisco, CA 94105

and

State Water Resource Control Board
Division of Water Quality
P.O. Box 100
Sacramento, CA 95812

Revised January 2004 to update addresses and phone numbers