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CENTRAL VALLEY REGION

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WASTE DISCHARGE REQUIREMENTS ORDER R5-2020-####

ORDER INFORMATION

Order Type(s):	Waste Discharge Requirements (WDRs)
Status:	TENTATIVE DRAFT
Program:	Non-15 Discharges to Land
Region 5 Office:	Fresno Office
Discharger(s):	Tasteful Selections, LLC; Tasteful Properties, LLC; and Way-Gin, LP
Facility:	Tasteful Selections Arvin Facility
Address:	13003 Di Giorgio Road
County:	Kern County
Parcel Nos.:	189-050-71, 189-050-72, 189-050-65, 189-150-12

CERTIFICATION

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____ December 2020.

_____
PATRICK PULUPA,
Executive Officer

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GLOSSARY

Antidegradation Policy .....Statement of Policy with Respect to Maintaining High Quality Waters in California, State Water Board Resolution 68-16

Basin Plan.....Water Quality Control Plan for the Tulare Lake Basin

bgs.....Below Ground Surface

$BOD_{[5]}$ .....[Five-Day] Biochemical Oxygen Demand at 20° Celsius

BPTC .....Best Practicable Treatment and Control

CEQA.....California Environmental Quality Act, Public Resources Code section 21000 et seq.

CEQA Guidelines.....California Code of Regulations, Title 14, section 15000 et seq.

C.F.R......Code of Federal Regulations

COC[s].....Constituent[s] of Concern

DO.....Dissolved Oxygen

DTSC .....California Department of Toxic Substances Control

DWR.....California Department of Water Resources

EC .....Electrical Conductivity

EIR .....Environmental Impact Report

FDS .....Fixed Dissolved Solids

FEMA.....Federal Emergency Management Agency

IPP .....Industrial Pretreatment Program

LAA.....Land Application Area

lbs/ac/yr.....Pounds per Acre per Year

µg/L.....Micrograms per Liter

µmhos/cm .....Micromhos per Centimeter

MG[D] .....Million Gallons [per Day]

mg/L.....Milligrams per Liter

msl.....Mean Sea Level

MRP .....Monitoring and Reporting Program

MW.....Monitoring Well

MCL .....Maximum Contaminant Level per Title 22

mJ/cm^2 .....Millijoules per Square Centimeter

ORP .....Oxygen Reduction Potential

N.....Nitrogen

ND.....Non-Detect

NE .....Not Established

NM.....Not Monitored

Recycled Water Policy .....*Policy for Water Quality Control for Recycled Water*, State Water Board Resolution 2009-0011, as amended per Resolutions 2013-0003 and 2018-0057

R[O]WD .....Report of Waste Discharge

RCRA.....Resource Conservation and Recovery Act

SPRRs .....Standard Provisions and Reporting Requirements

SERC .....State Emergency Response Commission

TDS.....Total Dissolved Solids

Title 22.....California Code of Regulations, Title 22

Title 23W .....California Code of Regulations, Title 23

Title 27.....California Code of Regulations, Title 27

TKN.....Total Kjeldahl Nitrogen

Unified Guidance.....Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance (USEPA, 2009)

USEPA.....United States Environmental Protection Agency

VOC[s].....Volatile Organic Compound[s]

WDRs.....Waste Discharge Requirements

WQO[s].....Water Quality Objective[s]

FINDINGS

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) hereby finds as follows:

Introduction

1. On 20 June 2014, Cascade Earth Science (CES) submitted a Report of Waste Discharge (RWD) on behalf of Tasteful Properties, LLC and Tasteful Selections, LLC for a new potato processing facility in Arvin, the Tasteful Selections Arvin Facility (Facility). The original June 2014 RWD proposed discharge to an infiltration basin (i.e., no discharge of wastewater to a land application area [LAA]). CES submitted a revised RWD on 29 August 2014 on behalf of Tasteful Properties, LLC, Tasteful Selections, LLC , and Way-Gin, LP. The revised August 2014 RWD proposed the Facility wastewater would be stored in a lined pond followed by land application of wastewater on agricultural fields. The Facility began operating on 3 November 2014. The Central Valley Water Board has not previously issued Waste Discharge Requirements (WDRs) for the Facility.

2. An Addendum to the RWD, prepared by Insight Environmental Consultants/Trinity Consultants, was submitted on 5 September 2019, with substantial revisions also submitted on 7 November 2019 and 31 January 2020 (hereinafter referred to as “2020 Revised RWD”). The 2020 Revised RWD proposed to substantially reduce the wastewater discharged from the Facility by recycling approximately 95% of the wastewater produced. Central Valley Water Board staff reviewed the 2020 Revised RWD in a memo/letter dated 30 March 2020, which requested additional information that was provided by the Discharger in subsequent submittals.

3. Tasteful Selections, LLC operates the business and owns the equipment inside the processing facility. Tasteful Properties, LLC owns the land (approximately 38 acres) and buildings where the processing facility is located (Attachment A). Way-Gin, LP owns the 100-acre wheat field, the 319-acre wheat field, and the160-acre almond orchard designated for land application of wastewater (Attachment B). The Facility is located approximately 12.3 miles southeast of Bakersfield in Kern County, Sections 10 and 15, Township 31 S, Range 29 E, Mount Diablo Base and Meridian (MDB&M). The Facility is located on Assessor Parcel Number (APN) 189-050-71. The LAA is located on APNs 189-050-72, 189-050-65, and 189-150-12.

4. Tasteful Selections, LLC; Tasteful Properties, LLC; and Way-Gin, LP (collectively, the Discharger), as owners and/or operators of the Facility/LAA, are responsible for compliance with the WDRs prescribed herein.

5. The following materials are attached and incorporated as part of this Order:

   a. Attachment A—Site Map

   b. Attachment B—Facility and Land Application Area Map

   c. Attachment C—Process Flow Diagram

   d. Standard Provisions & Reporting Requirements dated 1 March 1991 (SPRRs)

   e. Information Sheet

6. Also attached is **Monitoring and Reporting Program R5-2020-####** (MRP), which requires monitoring and reporting for discharges regulated under these WDRs.

Existing Facility and Discharge

7. Tasteful Selections, LLC washes and packs potatoes for sale to consumers for retail and wholesale outlets. The processing facility operates all year and there reportedly is no seasonal peak period. The Facility consists of a potato receiving area and equipment and buildings for washing, drying, bagging, cold storage, and shipping.

8. The August 2014 RWD estimated a maximum daily flow of 106,800 gallons per day (gpd) and a total annual discharge to the LAA of 26.9 million gallons per year (MG/year) from two processing lines. There is no flow history as flows have not been regularly measured to date. According to the August 2014 RWD, the original LAA consisted of 6.0 acres of lawn, 9.4 acres of alfalfa, 80 to 120 acres of grain (winter wheat), and 40 acres of grapes.

9. The generation of wastewater is shown in the Process Flow Diagram (Attachment C). Three waste streams make up the wastewater flow: 1) potato processing/washing wastewater, 2) cold storage condensate, and 3) cooling tower blowdown water. Each waste stream drains to the plant sump (shown as “drain” in Attachment C). Wastewater sampling data for these waste streams are summarized in Table 2 and 3 below.

10. The domestic wastewater from the Facility is kept separate from all other waste streams and discharged to two septic systems regulated by Kern County Environmental Health (locations identified in Attachment A).

11. A 2.66-million-gallon unlined stormwater basin is located in the southwest corner of the Facility site. The August 2020 RWD notes that the

stormwater basin was designed by Swanson Engineering, Inc. and summarizes the stormwater basin design specifications. The stormwater basin is designed and constructed to handle stormwater from the majority of the Facility for both a 100-year, 24-hour rainfall event and the 10-year, 5-day precipitation event. The storm water basin is 490 feet long and 120 feet wide. Four gravel-filled dry wells (3 feet diameter, 40 feet deep) were installed within the basin to increase infiltration rates. Staff confirmed the basin was built as designed in a 2 November 2020 telephone conversation with Swanson Engineering, Inc. The 2014 RWD also mentions a small 90,000-gallon stormwater basin at the northern edge of the property to provide infiltration for a portion of the roof drains on the processing building. However, it appears this additional stormwater basin was never been constructed.

12. Source water is supplied to the Facility from the Sonshine Water District Well #2. The 2014 RWD also notes the presence of a standby well, Sonshine Water District Well #1. Water is used in the potato washing process through wash baths, spray bars, and added to the cooling towers as make-up water. Select source water data, reported in the August 2014 RWD, is summarized in Table 1 below. The source water has elevated concentrations of electrical conductivity (EC), total dissolved solids (TDS), nitrate as nitrogen, and dibromochloropropane (DBCP).

Table 1 - Source Water Quality

Constituent	Source Water Average for 2013 (range) [No. of Samples]	Drinking Water MCL
EC (µmhos/cm)	860 (860-860) [2]	900
TDS (mg/L)	540 (530-550) [2]	500
Nitrate (as N) (mg/L)	13.8 (12.4 – 15.1) [2]	10
Dibromochloropropane (µg/L)	0.73 (0.73-0.73) [1]	0.2

13. The Facility has not previously been regulated by WDRs. Therefore, there is limited data available for the Facility since it started operating in 2014. Limited water quality testing was completed during preparation of the 2020 Revised

RWD Addendum, which is summarized in Tables 2 and 3 below. No data was provided for the cooling tower blowdown waste stream.

Table 2 – Wastewater Quality

Constituent	Units	Condensate	Potato Wash Water	Pond Effluent	Pond Effluent
Sample Date	--	5/1/2019	5/1/2019	5/1/2019	6/5/2019
BOD_5	mg/L	19	11	50	11
TSS	mg/L	18	64	280	17
TDS	mg/L	70	590	560	570
FDS	mg/L	30	510	500	510
Chloride	mg/L	2.6	72	72	71
Fluoride	mg/L	<0.10	0.13	0.14	0.12
Nitrate (as N)	mg/L	0.63	3.5	2.9	2.6
Nitrite (as N)	mg/L	1.4	1.0	0.72	0.19
TKN (as N)	mg/L	18	1.8	6.7	1.2
Ammonia (as N)	mg/L	17	1.1	1.3	0.31
Total Nitrogen	mg/L	20	6.2	10	4
Sulfate	mg/L	1.8	100	98	96
Boron	mg/L	0.17	0.26	0.36	0.23
Alkalinity (as $CaCO_3$)	mg/L	90	280	280	270
Calcium	mg/L	12	100	116	95
Hardness (as $CaCO_3$)	mg/L	36	340	360	320
Iron	mg/L	0.45	1.9	1.1	0.57
Manganese	mg/L	0.031	0.22	0.32	0.21

Potassium	mg/L	2.3	18	20	15
Sodium	mg/L	3.9	71	70	70

Table 3 – Wastewater Pond Quality

Constituent	Units	5/22/2019	5/29/2019	6/12/2019	6/26/2019	Average (see 1 below)
BOD_5	mg/L	23	24	5.7	18	17.7
TKN	mg/L	4.4	2.2	1	1.6	2.3

1. Average also includes the May and June 2019 analytical data shown in Table 2.

Proposed Changes to Facility

14. The 2020 Revised RWD proposed to increase the amount of potato processing at the Facility, but significantly decrease the overall discharge of process wastewater by adding a water recycling system. The 2020 Revised RWD proposed adding two additional processing lines to the Facility (4 total) and estimated the total annual volume of process wastewater generated from the Facility would be 53.16 million gallons. However, 95% of the total annual flow will be recycled at the Facility and only 5% (2.66 million gallons per year) will be discharged to the lined pond, which has a storage capacity of 4.9 million gallons. The Discharger still intends to apply wastewater from the lined storage pond to the LAA. The pond liner is a 60-mil smooth high-density polyethylene (HDPE) liner installed by D & E Construction from Visalia, California.

15. Of the 53.16 million gallons of wastewater generated annually at the Facility, the 2020 Revised RWD estimates 39.38 million gallons will be potato processing/washing wastewater (74%), 9.84 million gallons cooling tower blowdown (19%), and 3.94 million gallons cold storage condensate (7%).

16. Process wastewater generated at the Facility will be treated in a three-step water clarification process (listed below), stored, and then recycled/reused for potato washing (Attachment C). The treated wastewater is stored in a 5,283-gallon storage tank. The treatment system has a design flow capacity up to 23,700 gallons/hour (569,000 gpd). The treatment system includes the following components:

    a. Prefiltration through a rotating drum screen (removes solids larger than 3 millimeters);

    b. Sand cyclone (removes solids as small as 25 to 50 micrometers); and

c. Lamella separator with pre-flocculation, if necessary (removes solids as small as 5 micrometers).

17. According to the 2020 Revised RWD, the solids that will be generated from the potato washing process include sand, soil/silt, and potato debris (Attachment C). The larger particles (small stones) will be left on-site and used for paving or other appropriate uses. Potato skins and other debris will be disposed of as non-hazardous wastes in municipal trash bins. The sand and soil/silt sludge will be mixed and stockpiled on-site. After a sufficient amount is accumulated, the stockpiled soil will be sampled once and analyzed for hazardous waste constituents. Disposal of the soil will be based on this analysis. If the solids have constituents that exceed California hazardous waste criteria, they will be disposed of at a permitted treatment, storage, and disposal facility. If they are non-hazardous, they may be used on-site (grading, landscaping, etc.) or applied on the potato fields owned by Tasteful Selections.

Land Application Areas (LAAs)

18. The effluent will be principally disposed of by land application on 419 acres of wheat fields and 160 acres of almond orchard, collectively referred to as Land Application Area (LAA). In addition, a small amount of treated effluent will be spread on the ground for dust control.

Table 4 – LAA Information

Owner	APN	No. of Acres	Crop
Way-Gin, LP	189-050-72	100	Wheat
Way-Gin, LP	189-050-65	319	Wheat
Way-Gin, LP	189-150-12	160	Almonds

Site-Specific Conditions

19. The land surface elevations for the processing site and LAAs range from 450 feet above sea level to 495 feet above sea level. The land slopes from the northeast (higher) to the southwest (lower) with a slope of approximately 0.6%. The nearest surface water features are the Arvin-Edison Canal (approximately one mile to the east) and the East Side Canal (approximately two miles to the west).

20. The web soil survey from the United States Department of Agriculture's Natural Resource Conservation Service (https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx) indicates the soils for the LAA are approximately 78% Kimberlina fine sandy loam; 16%

Hesperia sandy loam; and 6% Hesperia loamy sand. Kimberlina soils are described as very deep, well drained soils on flood plains and recent alluvial fans. These soils formed in mixed alluvium derived dominantly from igneous and/or sedimentary rock sources. Hesperia soils are described as very deep, well drained soils that formed in alluvium derived primarily from granite and related rocks.

21. The climate is arid with cool, moist winters and hot dry summers. The average, maximum daily air temperatures in July and August are 99 ˚F and 97 ˚F, respectively. The average maximum for December and January is approximately 58 ˚F.

22. Based on data from the nearest weather station (Bakersfield), the Facility has an annual average precipitation of 6.10 inches, and a mean pan evaporation of 65 inches per year.

23. According to National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Atlas 14, Vol. 6 (rev. 2014), 100-year and 1,000-year, 24-hour rainfall events are estimated to result in 2.94 inches and 4.82 inches of precipitation, respectively.[1]

24. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (https://msc.fema.gov/portal), the Facility is located within a Zone AO (within a 100-year floodplain) with a depth of one foot and a velocity of 2-3 feet per second. These WDRs include a provision requiring to Discharger to demonstrate how the Facility will comply with the requirements associated with preventing inundation or washout due to floods.

25. Land uses in the vicinity include, agriculture, agriculture-related industries and homes.

Groundwater Conditions

26. According to the August 2014 RWD, the Facility and LAA are situated over the Caliente Creek alluvial fan. Two main aquifers occur in the area, an unconfined/semi-confined aquifer and confined aquifer below the Corcoran Clay. A semi-perched aquifer is present west of the East Side Canal (just west of the City of Arvin) but does not appear to occur at the Facility or LAA.

27. The August 2014 RWD states available data indicates the groundwater table is between 244 to 378 feet bgs. The Sustainable Groundwater Management Act

[1] Source: NOAA Precipitation Frequency Data Server (https://hdsc.nws.noaa.gov/hdsc/pfds)

(SGMA) Data Viewer (https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#gwlevels) indicates depth to groundwater for the LAA (spring 2018 data) is about 385 to 425 feet below ground surface (bgs) (moving from northeast to southwest) and land elevation goes from about 490 above sea level to 450 above sea level on the same transect as the depth to groundwater measurements. The data implies there is not a clear groundwater elevation gradient to indicate the direction of groundwater flow.

28. To determine underlying groundwater quality, Central Valley Water Board staff reviewed available well data for nearby wells using the National Water Quality Monitoring Council's Water Quality Portal Website (https://www.waterqualitydata.us/portal). Four wells were located within a two-mile radius of the site (Well #1 = 031S029E10A003M, Well #2 = 031S029E10C001M, Well #3 = 031S029E02K001M, and Well #4 = 031S029E04J001MT) The data are summarized in Table 5 below.

Table 5 – Groundwater Quality

Constituent/ Parameter	Well #1	Well #2	Well #3	Well #4
Date Sampled	2/27/2006	8/11/1953	8/11/1953 8/20/1979 8/20/1979	12/12/1955
Well Hole Depth (feet)	930	≥560	955	≥ 760
EC(µmhos/cm)	700	997	649 711 --	681
TDS (mg/L)	No data	638	408 431 418	438
Nitrate (as N) (mg/l)	No data	15.4	4.97 6.10 --	7.23

Legal Authorities

29. This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides in pertinent part as follows:

> The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge…, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.

30. Compliance with section 13263, subdivision (a), including implementation of applicable water quality control plans, is discussed in the findings below.

31. The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste. (Wat. Code, § 13263, subd. (g).)

32. This Order and its associated Monitoring and Reporting Program (MRP) are also adopted pursuant to Water Code section 13267, subdivision (b)(1), which provides as follows:

> [T]he 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 … 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.

33. The reports required under this Order, as well as under the separately issued MRP, are necessary to verify and ensure compliance with WDRs. The burden associated with such reports is reasonable relative to the need for their submission.

Basin Plan Implementation

34. Pursuant to Water Code section 13263, subdivision (a), WDRs must “implement any relevant water quality control plans…, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required

for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241."

35. This Order implements the Central Valley Water Board's Water Quality Control Plan for the Tulare Lake Basin (Basin Plan), which designates beneficial uses for surface water and groundwater and establishes water quality objectives (WQOs) necessary to preserve such beneficial uses. (See Wat. Code, § 13241 et seq.)

36. Local surface drainage is towards the southwest, to the East Side Canal, a Valley Floor Water in Hydrologic Unit 557. The beneficial uses for Valley Floor Water (per the Basin Plan) include: agricultural supply (AGR); industrial service supply (IND); industrial process supply (PRO); water contact recreation (REC-1); non-water contact recreation (REC-2); warm freshwater habitat (WARM); wildlife habitat (WILD); preservation and enhancement of rare, threatened, and endangered species (RARE), and groundwater recharge (GWR).

37. Per the Basin Plan, beneficial uses of underlying groundwater at the Facility and LAA are as follows: municipal and domestic supply (MUN); agricultural supply (AGR); industrial service supply (IND); and industrial process supply (PRO); water contact recreation (REC-1); and wildlife habitat (WILD).

38. The Basin Plan establishes narrative WQO's for chemical constituents, taste and odors, and toxicity in groundwater. The 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.

39. The Basin Plan's narrative WQO's for chemical constituents require MUN-designated water to at least meet the MCLs specified in California Code of Regulations, title 22 (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.

40. The narrative WQO for toxicity provides that groundwater shall be maintained free of toxic substances in concentrations producing detrimental physiological responses in human, animal, plant or aquatic life associated with designated beneficial uses.

41. Quantifying a narrative WQO 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 basis, adopt numerical limitations to implement the narrative objective.

42. In the absence of specific numerical water quality limits, the Basin Plan methodology is to consider any relevant published criteria. General salt tolerance guidelines, such as *Water Quality of Agriculture* by Ayers and Westcot and similar references indicate that yield reductions in nearly all crops are not evident when irrigation water has an electrical conductivity (EC) of less than 700 µmhos/cm. There is, however, an eight- to ten-fold range in salt tolerance for agricultural crops and the appropriate salinity values to protect agriculture in the Central Valley are considered on a case-by-case basis. It is possible to achieve full yield potential with groundwater EC up to 3,000 µmhos/cm, if the proper leaching fraction is provided to maintain soil salinity within the tolerance of the crop.

43. The list of crops in the findings is not intended as a definitive inventory of crops that are or could be grown in the area where groundwater quality is potentially affected by the discharge, but it is representative of current and historical agricultural practices in the area.

Salt and Nitrate Control Programs Reopener

44. The Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. The Basin Plan Amendments were conditionally approved by the State Water Board on 16 October 2019 (Resolution 2019-0057) and the Office of Administrative Law on 15 January 2020 (OAL Matter No. 2019-1203-03).

    a. For nitrate, dischargers that are unable to comply with stringent nitrate requirements will be required to take on alternate compliance approaches that involve providing replacement drinking water to persons whose drinking water is affected by nitrates. Dischargers could comply with the new nitrate program either individually or collectively with other dischargers. For the Nitrate Control Program, the Facility falls within Groundwater Basin 5-22.14 (San Joaquin Valley – Kern County), a non-prioritized basin. Implementation of the Nitrate Control Program in non-prioritized basins and sub-basins will occur as directed by the Central Valley Water Board's Executive Officer.

    b. For salinity, dischargers that are unable to comply with stringent salinity requirements would instead need to meet performance-based requirements and participate in a basin-wide effort to develop a long-term salinity strategy for the Central Valley. Dischargers will receive a Notice to

Comply with instructions and obligations for the Salt Control Program within one year of the effective date of the amendments (17 January 2020). Upon receipt of the Notice to Comply, the Discharger will have no more than six months to inform the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting).

As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of these WDRs to ensure the goals of the Salt and Nitrate Control Programs are met.

Compliance with the Antidegradation Policy

45. The *Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Water Board Resolution 68-16 (Antidegradation Policy), which is incorporated as part of the Basin Plan, prohibits the Central Valley Water Board from authorizing degradation of "high quality waters" unless it is shown that such degradation: (1) will be consistent with the maximum benefit to the people of California; (2) will not unreasonably affect beneficial uses, or otherwise result in water quality less than as prescribed in applicable policies; and (3) is minimized through the discharger's best practicable treatment or control (BPTC).

46. Based on the data presented in Tables 1, 2, 3, and 5 above, the constituents of concern that have the potential to degrade groundwater underlying the Facility and LAAs include salinity and nitrogen as discussed below. As part of the antidegradation analysis, staff calculated the estimated nitrogen and fixed dissolved solids (FDS) loading rates to the proposed crops (wheat and almonds). The loading rates are summarized in Table 6 below. The calculations assume the entire annual flow (2.66 million gallons) is discharged to either the 419 acres of wheat or 160 acres of almonds. As shown in Table 6, the estimated nitrogen loading rates are low and below crop uptake rates. The nitrogen uptake for wheat is 175 lbs/acre/year and 200 lbs/acre/year for almonds (*Western Fertilizer Handbook, 8th Edition)*.

Table 6 - Annual Nitrogen and Fixed Dissolved Solids Loading Rates

Crop	Area (acres)	Annual Flow (million gallons)	Total Nitrogen (mg/L)	Nitrogen Loading Rate (lbs/acre/year)	FDS (mg/L)	FDS Loading Rate (lbs/acre/yr)
Wheat	419	2.66	10.1	0.53	510	27
Almonds	160	2.66	10.1	1.40	510	71

a. **Salinity.** The estimated salinity loading to the LAA is minimal (approximately 27 to 71 pounds per acre per year). The Discharger is in the process of adding the recycling water treatment system that will significantly reduce the volume of discharge. The system will provide the Discharger the ability to reclaim approximately 95% of the wastewater generated at the Facility. Furthermore, the discharge is stored in a lined storage pond that has sufficient storage capacity (4.9 million gallons) to hold the proposed total annual discharge (2.66 million gallons).

Central Valley Water Board staff twice requested, in writing, additional information from the Discharger about the potential of salinity increases in the discharge as a result of implementing a recycling water treatment system. The Discharger provided a small amount of data and assurances from their vendor, VAM Water Tech (a design-build company from the Netherlands), that they have experience using their design for similar operations, and they have not had problems with increasing salinity in the effluent.

The associated MRP to this Order will require frequent salinity monitoring of the waste streams and discharge to monitor the salinity concentrations in the discharge. Furthermore, this Order requires the Discharger to comply with the new Salt Control Program.

b. **Nitrogen.** Available data shows the Facility's source water has elevated levels of nitrate. As shown in Table 1, two source water samples were collected in 2013 and had an average nitrate (as N) concentration of 13.8 mg/L. As shown in Table 2, the Facility's cold storage condensate waste stream has elevated total nitrogen concentrations (20 mg/L), mostly in the form of ammonia. However, the cold storage condensate waste stream only composes a small percentage of the combined discharge (approximately 7%). Table 3 shows an average TKN concentration of 2.3 mg/L for the combined discharge in the wastewater pond.

Since the Facility has not previously been regulated under WDRs or a MRP, the data for the Facility is limited. Therefore, routine monitoring

required in the associated MRP will provide better characterization of the Facility's discharge. As discussed in the previous Findings, the effluent is stored in a lined pond and the nitrogen loading rates are negligible. The Order requires that nitrogen application rates do not exceed agronomic rates. Furthermore, the Discharger is required to comply with the new Nitrate Control Program.

47. The Discharger implements, or will implement, as required by this Order, the following BPTC measures:

    a. Providing treatment, via the recycling water treatment system, of the combined discharge;

    b. Recycling approximately 95% of the wastewater at the Facility;

    c. Wastewater stored in a 60-mil HDPE lined storage basin followed by land application on agricultural areas and at the Facility for dust control;

    d. Sufficient storage to contain the total annual volume of discharge to the wastewater storage pond; and

    e. Compliance with the Salt and Nitrate Control Programs.

48. The Discharger's implementation of the above-listed BPTC measures will minimize the extent of water quality degradation resulting from the Facility's continued operation.

49. Economic prosperity of valley communities and associated industry is of maximum benefit to the people of the state and, therefore, sufficient reason exists to accommodate growth and limited groundwater degradation around the Facility, provided that the terms of the Basin Plan are met. Degradation of groundwater by some typical waste constituents released with discharge from the Facility after effective source reduction, treatment and control, and considering the best efforts of the Discharger and magnitude of degradation, is of maximum benefit to the people of the state. The Facility contributes to the economic prosperity of the region by providing employment for approximately 600 people at the Facility, income to numerous aligned businesses, and a tax base for local and county governments. Economic prosperity of Valley communities and associated industries is of maximum benefit to the people of the state and, therefore, sufficient reason to accommodate growth and limited groundwater degradation provided terms of the Basin Plan are met. Accordingly, to the extent that any degradation occurs as the result of the Facility's continued operation, such degradation is consistent with the maximum interest of the people of the State of California.

50. Based on the foregoing, the adoption of this Order is consistent with the State Water Board's Antidegradation Policy.

California Environmental Quality Act

51. The Facility has been in operation since 2014. Kern County determined that the construction of the Facility and the 2019-2020 modifications did not require any permits or discretionary actions from the County since the projects satisfied the requirements and standards for an agricultural processing facility in a location zoned for such activity. Therefore, both the 2014 original construction of the Facility and the 2019-2020 modifications required only ministerial approvals under the County's General Plan. Due to resource constraints, the Central Valley Water Board only began its environmental review of the Facility, and its potential to cause significant effects on the environment, following the 2019 submittal of an Addendum to the 2014 Report of Waste Discharge. These WDRs ensure that the operation of the Facility will not have any significant effects on the environment, do not authorize an increase in the Facility's discharge to land from what was proposed in the 2014 RWD, and prohibit pollution of groundwater. As such, the action of prescribing these WDRs to this existing facility is exempt from the requirements of the California Environmental Quality Act in accordance with the California Code of Regulations, title 14, section 15301, which exempts the *"operation, repair, maintenance. [and] permitting … of existing public or private structures, facilities, mechanical equipment, or topographical features"* from environmental review.

52. To the extent that the construction of any new basins, ponds and/or surface impoundments are authorized under this Order, such features involve minor alterations to land, which are exempt from CEQA procedural requirements pursuant to California Code of Regulations, tit. 14, section 15304 (CEQA Guidelines).

Other Regulatory Considerations

53. Pursuant to Water Code section 106.3, subdivision (a), it is "the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." Although this Order is not subject to Water Code section 106.3, as it does not revise, adopt or establish a policy, regulation or grant criterion, (see § 106.3, subd. (b)), it nevertheless promotes the policy by requiring discharges to meet maximum contaminant levels (MCLs) for drinking water, which are designed to protect human health and ensure that water is safe for domestic use.

54. For the purposes of California Code of Regulations, title 23 (Title 23), section 2200, the Facility has a threat-complexity rating of 3-B.

a. Threat Category "3" reflects waste discharges that could degrade water quality without violating water quality objectives , or could cause a minor impairment of designated beneficial uses as compared to with Category 1 or Category 2.

b. Complexity Category "B" reflects any discharger not included in Category A, with either (1) physical, chemical or biological treatment systems (except for septic systems with subsurface disposal), or (2) any Class II or Class III WMUs.

55. Because all the storm water at the Facility is collected and disposed of in the onsite stormwater basin, the Discharger is not required to obtain coverage under the *Statewide General Permit for Storm Water Discharges Associated with Industrial Activities,* State Water Board Order 2014-0057-DWQ, NPDES Permit No. CAS000001 (Industrial General Permit) at this time.

Scope of Order

56. This Order is strictly limited in scope to those waste discharges, activities and processes described and expressly authorized herein.

57. Pursuant to Water Code section 13264, subdivision (a), the Discharger is prohibited from initiating the discharge of new wastes (i.e., other than those described herein), or making material changes to the character, volume and timing of waste discharges authorized herein, without filing a new RWD per Water Code section 13260.

58. Failure to file a new RWD before initiating material changes to the character, volume or timing of discharges authorized herein, shall constitute an independent violation of these WDRs.

59. This Order is also strictly limited in applicability to those individuals and/or entities specifically designated herein as "Discharger," subject only to the discretion to designate or substitute new parties in accordance with this Order.

Procedural Matters

60. All of the above information, as well as the information contained in the attached Information Sheet (incorporated herein), was considered by the Central Valley Water Board in prescribing the WDRs set forth below.

61. The Discharger, interested agencies and other interested persons were notified of the Central Valley Water Board's intent to prescribe the WDRs in this Order, and provided an opportunity to submit their written views and recommendations at a public hearing. (See Wat. Code, § 13167.5.)

62. At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.

63. The Central Valley Water Board will review and revise the WDRs in this Order as necessary.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that the Discharger and their agents, employees and successors shall comply with the following.

A. Discharge Prohibitions

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

2. Discharge of waste classified as “hazardous,” as defined in Cal. Code Regs., tit. 22, § 66261.1 et seq., is prohibited.

3. Treatment system bypass of untreated or partially treated waste is prohibited, except as allowed by Standard Provision E.2 of the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements,* dated 1 March 1991 (SPRRs), the entirety of which is incorporated herein.

4. Discharge of waste at a location or in a manner different from that described in the Findings is prohibited.

5. Discharge of domestic wastewater to the recycling treatment system, wastewater storage pond, stormwater basin, or LAA is prohibited.

6. Discharge of potato processing wastewater to the onsite septic system or stormwater basin is prohibited.

B. Flow Limitations

1. The process wastewater discharged to the lined wastewater storage pond shall not exceed an annual (calendar year) discharge of 2.7 million gallons (monitored at EFF-001).

C. Discharge Specifications

1. No waste constituent shall be released, discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of the 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 Discharger shall operate all systems and equipment to optimize the quality of the discharge.

4. The discharge shall remain within the permitted wastewater storage pond, conveyance structures, and the LAA.

5. All conveyance, treatment, storage, and disposal systems 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 Facility at an intensity that creates or threaten to create nuisance conditions.

7. As a means of ensuring compliance with Discharge Specification C.6, the dissolved oxygen (DO) content in the upper one foot of any wastewater treatment or storage pond shall not be less than 1.0 mg/L for three consecutive sampling events. Notwithstanding the DO monitoring frequency specified in the monitoring and reporting program, if the DO in the pond is below 1.0 mg/L for any single sampling event, the Discharger shall implement daily DO monitoring of that pond until the minimum DO concentration is achieved for at least three consecutive days. If the DO in the pond is below 1.0 mg/L for three consecutive days, the Discharger shall report the findings to the Central Valley Water Board in accordance with Section B.1 of the SPRRs. The written notification shall include a specific plan to resolve the low DO results within 30 days of the first date of violation.

8. The wastewater storage pond, stormwater basin and open containment structures shall be managed to prevent breeding of mosquitos or other vectors. Specifically:

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

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

    c. Dead algae, vegetation, and 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.

9. The Discharger shall design, construct, operate, and maintain all ponds sufficiently to protect the integrity of containment dams and berms and prevent overtopping and/or structural failure. The operating freeboard in any pond shall never be less than two feet (measured vertically from the lowest possible point of overflow). As a means of management and to discern compliance with this requirement, the Discharger shall install (without damaging the integrity of the liner) and maintain in each pond a permanent staff gauge or other suitable measurement device with calibration marks that clearly show the water level at design capacity and enable determination of available operational freeboard.

10. Wastewater 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.

11. On or about 1 October of each year, available capacity shall at least equal the volume necessary to comply with Discharge Specifications C.9 and C.10.

12. The Discharger shall monitor sludge accumulation in the treated wastewater storage pond annually and shall periodically remove sludge as necessary to maintain adequate storage capacity. Specifically, if the estimated volume of sludge in the pond exceeds five percent (or other Executive Officer approved percentage) of the permitted reservoir capacity, the Discharger shall complete sludge cleanout within 12 months after the date of the estimate.

13. Waste discharges shall remain within authorized LAAs and authorized waste treatment and/or containment structures.

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

15. Wastewater contained in any unlined pond shall not have a pH less than 6.0 or greater than 9.0.

D. Groundwater Limitations

1. Release of waste constituents from any treatment unit, storage unit, delivery system or disposal location associated with the Facility shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality, whichever is greater.

    a. Nitrate as nitrogen of 10 mg/L.

    b. For constituents identified in Title 22 of the California Code of Regulations, the MCLs quantified therein.

E. Land Application Area Specifications

For the purposes of this Order, “land application area” or “LAA” refers to the discharge area described in the Findings and shown in Attachment B.

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

2. Application of waste constituents to the LAA shall be at reasonable agronomic rates to preclude creation of a nuisance or unreasonable degradation of groundwater, considering crop, soil, climate and irrigation management system. The annual nutritive loading of the LAA, including nutritive value of organic and chemical fertilizers, and the wastewater, shall not exceed the annual crop demand.

3. Hydraulic loading of wastewater and irrigation water shall be at reasonable agronomic rates designed to minimize the percolation of wastewater and irrigation water below the root zone (i.e., deep percolation).

4. The BOD loading to the LAA, calculated as a cycle average as determined by the methods described in the attached Monitoring and Reporting Program, shall not exceed 100 pounds per acre per day.

5. The resulting effect of the discharge on soil pH shall not exceed the buffering capacity of the soil profile.

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

7. The Discharger shall not discharge process wastewater to the LAA when soils are saturated (e.g., during or after significant precipitation).

8. Any irrigation runoff shall be confined to the LAA and shall not enter any surface water drainage course or storm water drainage system.

9. Discharge of process wastewater to any land not having a fully functional tailwater/runoff control system is prohibited.

10. The LAA shall be managed to prevent breeding of mosquitos. More specifically:

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

    b. Ditches not serving as wildlife habitat shall be maintained free of emergent marginal, and floating vegetation; and

    c. Low-pressure and unpressurized pipeline and ditches accessible to mosquitos shall not be used to store process wastewater.

11. Irrigation of the LAAs shall occur only when appropriately trained personnel are on duty.

12. LAAs 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 recycled water use immediately and implement corrective actions to ensure compliance with this Order.

F. Solids Disposal Specifications

For the purpose of this Order, sludge includes the solid, semisolid, and liquid organic matter removed from the recycling water treatment system. Solid waste refers to solid inorganic matter removed by screens and soil sediments from washing of unprocessed fruit or vegetables. Except for waste solids originating from meat processing, residual solids means organic food processing byproducts such as culls, pulp, stems, leaves, and seeds that will not be subject to treatment prior to disposal or land application.

1. Residual solids shall be removed from screens, sumps, and ponds as needed to ensure optimal operation, prevent nuisance conditions, and maintain adequate storage capacity.

2. Any handling and storage of residual solids shall be controlled and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils in a mass or concentration that will violate the groundwater limitations of this Order.

3. If removed from the site, residual solids shall be disposed of in a manner approved by the Executive Officer and consistent with Title 27, division 2. Removal for reuse as animal feed, or land disposal at facilities (i.e., landfills, composting facilities, soil amendment sites operated in accordance with valid waste discharge requirements issued by a Regional Water Board) will satisfy this specification.

4. Any proposed change in residual 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 the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements*, dated 1 March 1991 (SPRRs), which are a part of this Order. This attachment and its individual paragraphs are referred to as Standard Provisions.

2. The Discharger shall comply with the enclosed **Monitoring and Reporting Program (MRP) R5-2020-XXXX**, and any revisions thereto as ordered by the Executive Officer. The submittal dates of Discharger self-monitoring reports shall be no later than the submittal date specified in the MRP.

3. A copy of this Order (including Information Sheet, Attachments and SPRRs) and the MRP, shall be kept at the Facility for reference by operating personnel. Key operating personnel shall be familiar with their contents.

4. The Discharger shall comply with the Basin Plan amendments adopted in Resolution R5-2018-0034 incorporating new programs (Salt and Nitrate Control Program) for addressing ongoing salt and nitrate accumulation in the Central Valley developed as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative.

5. By <**6 months from the adoption date of the Order>,** the Discharger shall install flow meters that measure the influent and effluent flow rate continuously at Monitoring Locations INF-001, EFF-001, and EFF-002 as defined in the MRP. The Discharger shall provide written confirmation that the flow meters are installed by the due date.

6. By <**18 months from the adoption date of the Order>,** the Discharger shall provide a demonstration that the Facility can comply with Discharge Specification C.5.

7. 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 workplans 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.

8. 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 foregoing provisions by the due dates specified.

9. 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.

10. 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 Central Valley Water Board by 31 January.

11. 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 includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary.

12. The Discharger shall use the best practicable cost-effective control technique(s) including proper operation and maintenance, to comply with this Order.

13. Per the SPRRs, 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.

14. In the event that the Discharger reports toxic chemical release data to the State Emergency Response Commission (SERC) pursuant to section 313 of the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11023), the Discharger shall also report the same information to the Central Valley Water Board within 15 days of the report to the SERC.

15. In the event of any change in control or ownership of the Facility, the Discharger must 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.

16. 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 name and 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.

17. 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 Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request.

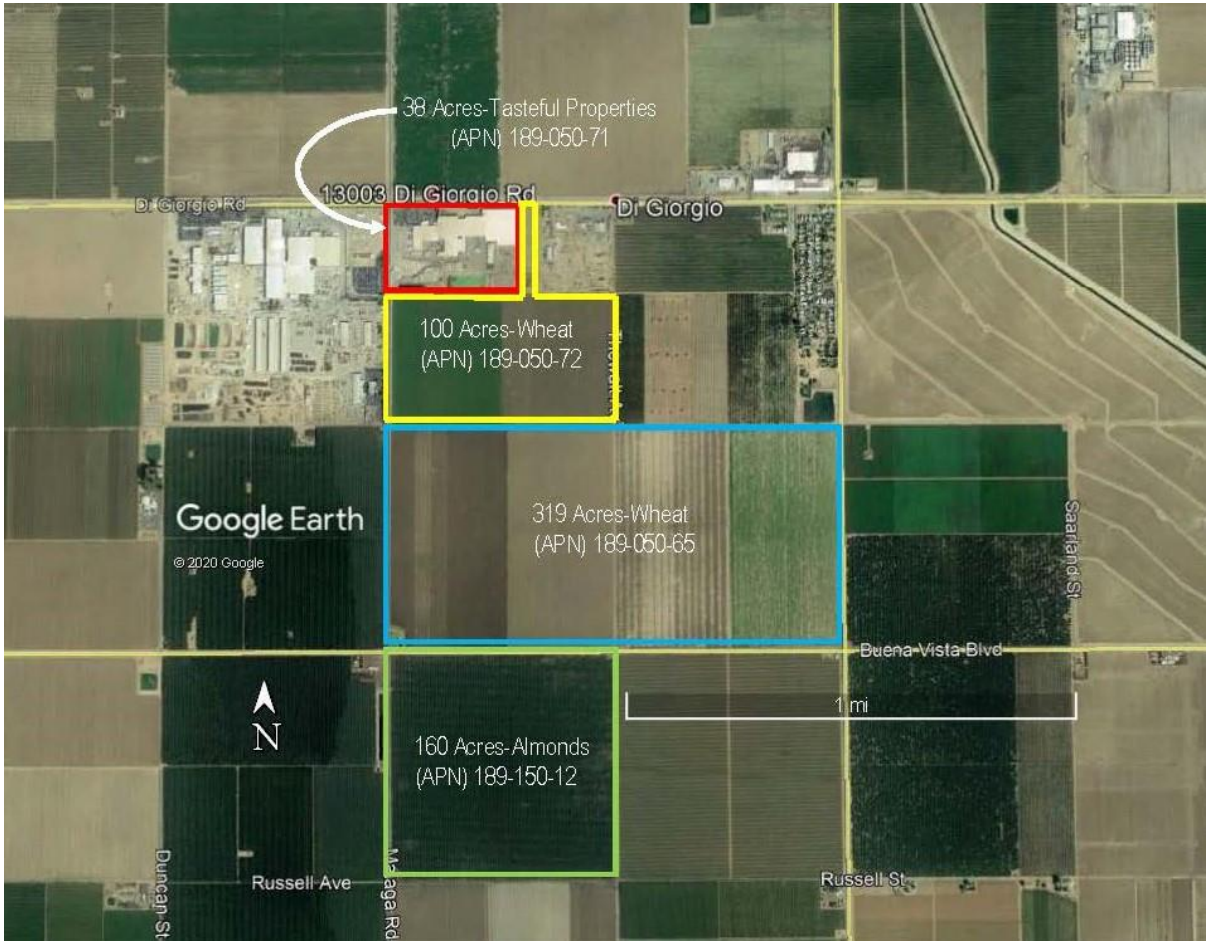
http://www.waterboards.ca.gov/public_notices/petitions/water_quality

ATTACHMENTS

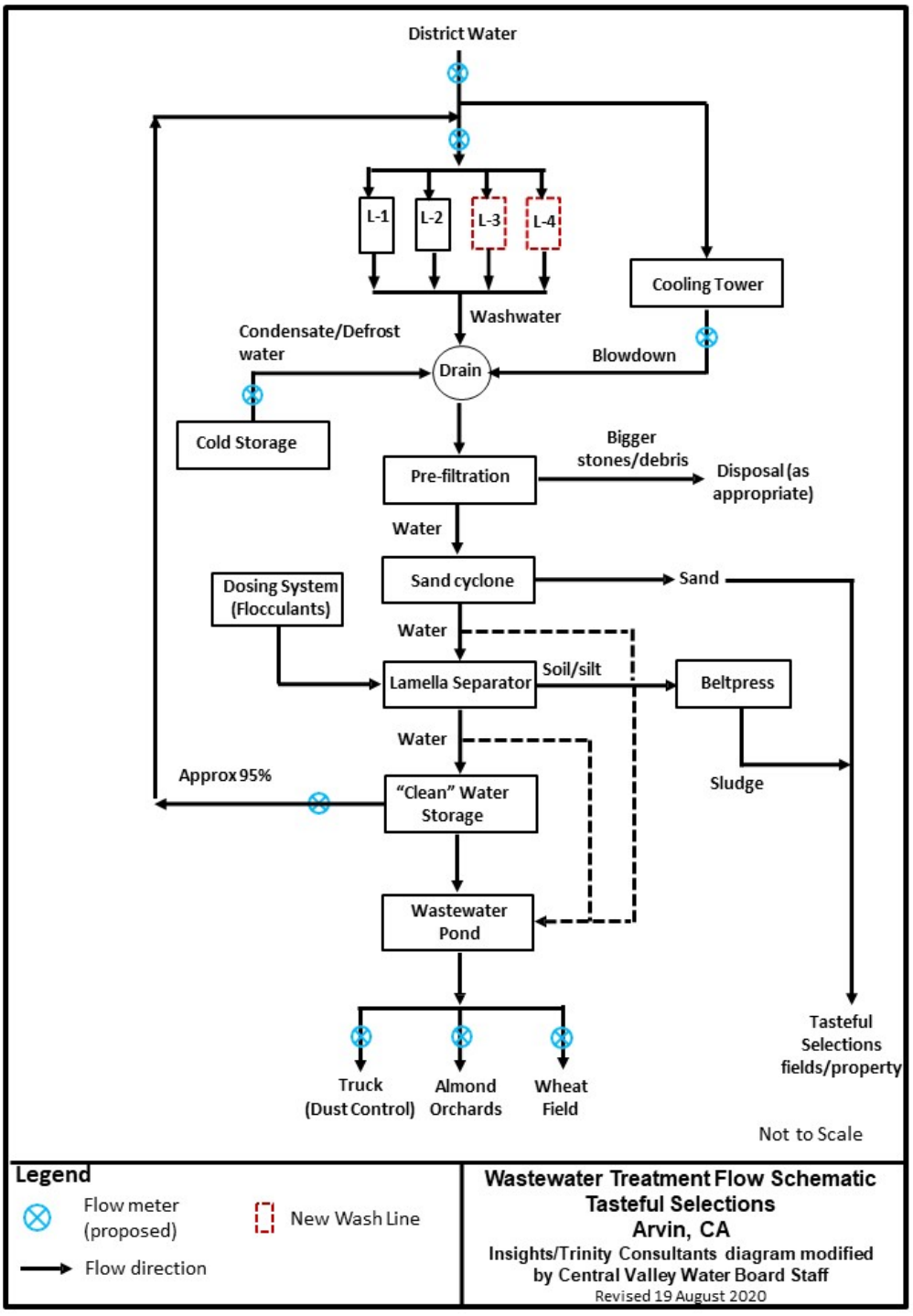
- Attachment A – Site Map
- Attachment B – Facility and Land Application Area Map
- Attachment C – Process Flow Diagram
- Information Sheet
- Standard Provisions and Reporting Requirements (SPRRs), dated 1 March 1991
- Monitoring and Reporting Program R5-2020-####

ATTACHMENT A—SITE MAP

ATTACHMENT B—FACILITY AND LAND APPLICATION AREA MAP



ATTACHMENT C—PROCESS FLOW DIAGRAM



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

WASTE DISCHARGE REQUIREMENTS ORDER R5-2020-####
FOR
TASTEFUL SELECTIONS, LLC; TASTEFUL PROPERTIES, LLC; AND WAY-GIN, LP;
TASTEFUL SELECTIONS ARVIN FACILITY
KERN COUNTY

INFORMATION SHEET

BACKGROUND

On 20 June 2014, Tasteful Properties LLC and Tasteful Selections, LLC submitted a Report of Waste Discharge (RWD) for a new potato processing facility, the Tasteful Selections Arvin Facility (Facility). The original RWD proposed to discharge the Facility wastewater to an infiltration basin (i.e., no discharge of wastewater to a land application area). On 29 August 2014, Tasteful Properties, LLC, Tasteful Selections, LLC, and Way-Gin, LP (collectively Discharger) submitted a revised RWD proposing to discharge wastewater to a lined pond followed by land application on agricultural fields. Operations at the Facility began in November 2014.

Tasteful Properties, LLC owns the land and buildings at the Facility (Attachment A). Tasteful Selections, LLC operates the business and owns the equipment inside the processing facility. Way-Gin, LP owns 419 acres of wheat fields and the 160-acre almond orchard, which is the designated land application area (LAA) for the Facility's wastewater.

The following technical reports and documents were submitted to the Central Valley Water Board to draft WDRs for the Facility.

- Form 200 (signed by Robert Bender, President) and RWD (prepared by Cascade Earth Science) [20 June 2014]

- A revised Form 200 (signed by Robert Bender and LAA owner Wayne Kirschenman of Way-Gin, LP) and RWD (prepared by Cascade Earth Science) [29 August 2014]

- A revised Form 200 (signed by Robert Bender and Wayne Kirschenman) and RWD Addendum (prepared by Insight Environmental Consultants/Trinity Consultants) [5 September 2019]

- Revised RWD Addendum (prepared by Insight Environmental Consultants/Trinity Consultants) [7 November 2019]

- Revised RWD Addendum (prepared by Insight Environmental Consultants/Trinity Consultants) [31 January 2020]

WASTEWATER GENERATION AND DISPOSAL

Tasteful Selections, LLC washes and packs potatoes for sale to consumers for retail and wholesale outlets. The Facility sits on a 38.1-acre parcel and is located at 13003 DiGiorgio Road in Arvin, California (Kern County). Land surrounding the Facility consists of agricultural or industrial land uses on all sides. The processing facility operates all year and there is no seasonal peak period. The Facility consists of a potato receiving area, equipment and buildings for washing, drying, bagging, cold storage, and shipping.

The August 2014 RWD estimated a maximum daily flow of 106,800 gallons per day (gpd) and a total annual discharge to the land application areas (LAA) of 26.9 million gallons per year (MG/year) from two processing lines. Submittals in the last year have estimated an effluent discharge as high as 270,000 gpd and 98 MG/year. The latest revision, dated 31 January 2020, proposed adding a process water recycling system (Attachment C) with an estimated wastewater generation volume of 53.16 MG/year. However, the 31 January 2020 submittal proposes 95% of the total annual flow (50.50 MG) will be recycled in the processing facility and only 5% (2.66 MG/year) will discharged to a lined pond, which is capable of holding 4.9 MG. The estimated daily discharge to the lined pond will be approximately 8,900 gpd. The liner material for the pond is 60-mil smooth high-density polyethylene (HDPE) liner installed by D & E Construction from Visalia, California. The water balances show up to 2.44 MG/year being discharged from the lined pond to the LAA. A small amount of effluent will be used for dust control on the Facility grounds (designated “truck” in Attachment C) during the summer months. Effluent from the lined pond and fresh irrigation water are mixed in the irrigation water pipe and then applied to the LAAs.

The expanded Facility, with the proposed water recycling system, will have four processing lines, operate 24 hours a day, six days per week, and 50 weeks per year. Of the 53.16 MG of wastewater generated annually at the Facility, 39.38 MG will be potato processing/washing (74%), 9.84 MG cooling tower blowdown (19%), and 3.94 MG cooling coil condensate (7%). Wastewater from the lined pond will be discharged to 419 acres of wheat fields and/or 160 acres of almonds, both owned by Way-Gin, LP. The estimated completion date for installation of the water treatment/recycling system is by the end of calendar year 2020.

SOLIDS GENERATION AND DISPOSAL

Solids will be generated in the wastewater recycling treatment processes. Solids, as discussed in Finding 17, will be used onsite for paving, grading, landscaping, applied to potato fields; disposed of as nonhazardous waste offsite; or if necessary, based on testing, disposed of at a permitted hazardous waste treatment, storage, or disposal facilities.

MONITORING REQUIREMENTS

Section 13267 of the California Water Code authorizes the Central Valley Water Board to require monitoring and technical reports as necessary to investigate the impact of waste discharges on waters of the State. Water Code Section 13268 authorizes assessment of civil administrative liability where appropriate. The Order includes wastewater influent, wastewater effluent, pond, pond effluent, solids, land application area, and water supply monitoring requirements. This monitoring is necessary to characterize the discharge and evaluate compliance with the requirements and specifications in the Order.

The Discharger adds ozone to the wash water at the beginning of the potato washing process for the purpose of disinfecting the wash water and the potatoes. The State Water Resources Control Board, Division of Water Quality Groundwater Ambient Monitoring and Assessment Program (GAMA) Groundwater Information Sheet for Dibromochloropropane (DBCP) (revised November 2017) states, "[o]zone *is a strong oxidant that can react with and oxidize DBCP to carbon dioxide and water*."

https://www.waterboards.ca.gov/water_issues/programs/gama/docs/coc_dbcp.pdf

Therefore, DBCP is not expected to be present in the effluent discharge. The Monitoring and Reporting Program (MRP) includes annual DBCP monitoring of the source water (Monitoring Location SPL-001) and the wastewater storage pond effluent (Monitoring Location EFF-002) to further characterize DBCP concentrations in the source water and effluent and confirm DBCP is not present in the Facility's discharge.

During a 5 June 2019 Central Valley Water Board staff inspection of the Facility, staff observed a pipeline connecting the lined onsite wastewater storage pond and the stormwater basin. Central Valley Water Board staff inquired about the purpose of the pipeline during the inspection, but, at the time, the onsite representative could not provide a reason for the pipeline. In response to the September 2019 inspection report, Tasteful Selections stated the pipeline had been removed and the stormwater basin would not be used for the discharge of process wastewater. To monitor the water quality in the stormwater basin, the MRP includes stormwater basin monitoring to characterize and monitor the water quality in the stormwater basin.

SALT AND NITRATE CONTROL PROGRAMS REGULATORY CONSIDERATIONS

As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments (Resolution R5-2018-0034) incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Resources Control Board adopted Resolution No. 2019-0057 approving the Central Valley Water Board Basin Plan amendments and also directed the Central Valley Water Board to make targeted revisions to the Basin Plan amendments within one year from the approval of the Basin Plan amendments by the

Office of Administrative Law. The Office of Administrative Law approved the Basin Plan amendments on 15 January 2020 (OAL Matter No. 2019-1203-03).

Pursuant to the Basin Plan amendments, dischargers will receive a Notice to Comply with instructions and obligations for the Salt Control Program within one year of the effective date of the amendments (17 January 2020). Upon receipt of the Notice to Comply, the Discharger will have no more than six months to inform the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting). The level of participation required of dischargers whose discharges do not meet stringent salinity requirements will vary based on factors such as the amount of salinity in the discharge, local conditions, and type of discharge.

For the Nitrate Control Program, the Facility falls within Groundwater Basin 5-22.14 (San Joaquin Valley – Kern County), a non-prioritized basin. Implementation of the Nitrate Control Program in non-prioritized basins and sub-basins will occur as directed by the Central Valley Water Board's Executive Officer. The CV-SALTS initiative will result in regulatory changes that will be implemented through conditional prohibitions and modifications to many WDRs regionwide, including the WDRs that regulate discharges from the Facility. More information regarding the CV-SALTS regulatory planning process can be found at the following link: https://www.waterboards.ca.gov/centralvalley/water_issues/salinity/.

REOPENER

The conditions of discharge in the Order were developed based on currently available technical information and applicable water quality laws, regulations, policies, and plans, and are intended to assure conformance with them. The Order sets limitations based on the information provided thus far. If applicable laws and regulations change, or once new information is obtained that will change the overall discharge and its potential to impact groundwater, it may be appropriate to reopen the Order. Furthermore, if the stormwater basin monitoring data (or other evidence) show water in the stormwater basin could threaten groundwater quality limitations, discharge requirements may be imposed.