

REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION BOARD MEETING
22/23 JUNE 2023

RESPONSE TO WRITTEN COMMENTS FOR THE
CALIFORNIA NUGGETS, INC. AND GOLDEN GATE NUTS, INC.
TENTATIVE WASTE DISCHARGE REQUIREMENTS

At a public hearing scheduled for 22/23 June 2023, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of new Waste Discharge Requirements (WDRs) for California Nuggets, Inc. and Golden Gate Nuts, Inc. in San Joaquin County. This document contains responses to written comments received from interested persons regarding the tentative WDRs circulated on 24 March 2023. Written comments were required by public notice to be received by the Central Valley Water Board by 26 April 2023 to receive full consideration. Comments were received from Ms. Jo Anne Kipps on 25 April 2023.

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff have made a few minor changes to the tentative WDRs to improve clarity and fix typographical errors.

MS. JO ANNE KIPPS COMMENTS

COMMENTS 1 & 2: Both comments question the legal names of the owners of the property and operating facilities.

RESPONSE: The facility owner, Gico Management, and the property owner, Steve Gikas Trust, are listed collectively as Discharger. The facility name is California Nuggets, Inc. and Golden Gate Nuts, Inc. The proposed Order has been updated accordingly.

COMMENT 3: Please revise the tentative order to identify the pond liner's age and condition, date of postconstruction report (if submitted), and methods used (if any) to monitor liner seepage besides periodic visual inspection. Also, please specify the estimated hydraulic conductivity of the pond's liner.

RESPONSE: The liner was installed in November 2007 by Reed & Graham, Inc., which has been added to the WDRs. The hydraulic conductivity is $<1.9 \times 10^{-8}$ centimeter/second (cm/s), which was included in the specification sheet. The liner is visually inspected when the sludge is removed from the pond and when wastewater is present in the pond, the weekly observation requirement includes the portions of the liner that are visible at that time. MW-4 is located next to the lined wastewater pond. Changes in groundwater quality from potential leaks in the liner will be observed in this well. Visual observations, regular inspections of the liner, and monitoring MW-4 are sufficient at this time.

COMMENT 4: The Sludge Cleanout Plan will address future pond sludge discharges. If possible, please include a description of past onsite handling and offsite disposal of wastewater pond sludge. Has pond sludge been characterized for its suitability as a compost feed and/or soil amendment? And, please identify the off-site disposal method (e.g., Landfill? Composting? Regulated facility?)

RESPONSE: Previous management of sludge cleanout activities have not been documented, which is why the tentative order includes a provision for submittal of a Sludge Cleanout Plan. Once characterized, the sludge will be transported off-site for disposal at a regulated facility, or considered for other uses, as appropriate.

COMMENT 5: Please revise this [Finding 14] to identify the filtration method used, its optimum solids removal capacity (%TSS removal), and the design flow rate corresponding to optimum solids removal capacity.

RESPONSE: Including this information is beyond the scope of the WDRs as the Discharger may change their methods in the future to stay in compliance with the WDRs. The last filtration step is done to prevent clogging of the irrigation system, not to meet filtration or screening requirements.

COMMENT 6: Please revise Finding 17 to present annual nitrogen and FDS loading rates for the cited years. Also, please include a discussion of how the monthly loading rates of BOD translate to cycle average BOD. In other words, do the BOD loadings comply with the existing cycle average BOD loading limit of 100 pounds per acre per day (lbs/acre/day)?

RESPONSE: Table 6 has been modified to show annual loading rates, which are only applicable to the existing 5.2 acres of LAAs as discharges to the new LAAs have not yet occurred. The discharge is expected to meet the loading limit based on the RWD, projected calculations using all available LAA acreage, and discussions with the Discharger's consultant. Staff concur with the Discharger's assessment and therefore, the loading limit is considered appropriate for this discharge.

COMMENT 7: Please provide technical evidence to support the tentative order's assumption that continued BOD loadings to the original 5.2-acre LAA will not contribute to an existing condition of iron and manganese pollution in groundwater at current authorized flow of 16 MG/year, let alone at the increased flow of 24 MG/year.

RESPONSE: The BOD loading requirement is based on all available acreage (13.1 acres) and the RWD. The additional LAA acreage, along with other facility changes, is expected to reduce the overall loading to the original 5.2 acres. Based on discussions with the Discharger's consultant and projected calculations, BOD concentrations are expected to meet the 100 lb/ac/day/irrigation cycle loading limit, which is a standard limit for food process wastewater that is land applied. Groundwater issues were identified using the

existing monitoring well network, which indicates this is an appropriate way to monitor impacts to groundwater. BOD concentration trends in effluent show a decreasing trend, and decreasing trends for manganese were observed in downgradient wells MW-2 and MW-3, and no significant manganese trend was identified in MW-4. If concentrations in localized groundwater increase or any other violations are identified, additional actions may be required, or an enforcement order may be issued at that time.

COMMENT 8 - Recommendation Summary. Until the Board amends the Basin Plan to accept degradation and pollution from discharges to land of inadequately treated industrial food processing wastewater as a normal societal and environmental cost of providing “economic prosperity of Central Valley communities and associated industry,” the tentative order should:

1. Prohibit discharge to the 5.2-acre LAA until iron and manganese concentrations in groundwater passing through MW-2 and MW-4 decrease to less than WQOs, establish a time schedule not to exceed two years, and require submittal of a Report of Waste Discharge at least 140 days before resuming discharge to this LAA.

RESPONSE: When evaluating the discharge, wastewater management practices, and current analytical data, concentrations in effluent and groundwater have either stabilized or are decreasing. The Discharger has met the requirements of the CDO and has improved the wastewater treatment system. Additional time is necessary to evaluate whether improvements to the wastewater treatment system will improve groundwater quality, which is allowed under the Basin Plan, as follows:

“The Regional Water Board recognizes that immediate compliance with water quality objectives adopted by the Regional Water Board or the State Water Board, or with water quality criteria adopted by the USEPA, may not be feasible in all circumstances. Where the Regional Water Board determines it is infeasible for a discharger to comply immediately with such objectives or criteria, compliance shall be achieved in the shortest practicable period of time (determined by the Regional Water Board), not to exceed ten years after the adopted of applicable objectives or criteria.”

2. Establish limitations for the new 7.88-acre LAA reflecting reasonable agronomic rates for annual total discharge flow (MG/year) and annual nitrogen loading (lbs/ac/year).

RESPONSE: The water balance and nitrogen balance included in the RWD demonstrates that the total 13.1 acres of LAAs have sufficient capacity to manage the flow volume and nitrogen loading. In addition, it is the Discharger’s responsibility to show sufficient crop demand for nitrogen loading, which is

required to be reported in the monitoring reports. Compliance is determined at that time.

3. Establish a limitation for monthly total discharge flow (MG/month) that reflects the treatment and storage capacity provided by the wastewater pond in rainfall years of 100-year frequency.

RESPONSE: Based on the water balance included in the RWD and signed by a professional, the monthly and yearly flow limits required by the WDRs are appropriate.

4. Require the Discharger to submit a Groundwater Monitoring Well Installation Work Plan describing the installation of two additional shallow wells to monitor groundwater upgradient and downgradient of the new 7.88-acre LAA (e.g., at the northeast corner of the new LAA and between the original and new LAA).

RESPONSE: The Discharger is required to submit a technical evaluation of the existing groundwater monitoring network and whether additional groundwater monitoring wells are or are not necessary to track potential impacts from discharges to the new LAAs. If the evaluation does not recommend additional well(s), the document must provide a technical rationale demonstrating that the existing monitoring well can adequately represent changes groundwater conditions beneath the newly acquired LAAs (Provision I.1.b. in the proposed Order).