
Lahontan Regional Water Quality Control Board

INTERESTED PERSONS

Public Comment Period - Notice of Signed Stipulated Agreement with Green Valley Food Products Inc., 25684 Community Blvd., Barstow, San Bernardino County - Written Comments Due No Later than 5:00 PM, August 31, 2017

On July 6, 2017, the California Regional Water Quality Control Board, Lahontan Region (Water Board), Assistant Executive Officer signed a Stipulated Agreement (SA) with Green Valley Foods. The SA requires replacement drinking water to residents and facility workers related to historic wastewater discharges. The requirement for replacement water is based on water quality samples from nearby residential wells and an onsite production well.

As a part of the SA, Green Valley Food Products Inc. agrees to provide replacement water until such time that the affected drinking water wells can provide water that meets the drinking water standard for Nitrate as N, of 10 mg/L (milligram per liter). On July 26, 2017, Hector Huerta, Owner Green Valley Food Products Inc. submitted a signed copy of the Stipulated Agreement. This action constitutes an agreement that is subject to a 30-day public comment period pursuant to Water Code section 13385 and the State Water Resources Control Board's Enforcement Policy. The Stipulated Agreement is available at the Water Board's website:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/

Persons may comment on the proposed settlement by submitting written comments so that they are received no later than 5:00 p.m. on August 31, 2017. Please include "Green Valley Food Products Inc. Stipulated Agreement" in the subject line, and submit by email to RB6enfproceed@waterboards.ca.gov. For those that do not have the ability to email written comments, please include the same subject line, as above, and send your comments to:

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
ATTN: Catherine Pool

Please contact Catherine Pool at (530) 542-5460 (Catherine.Pool@waterboards.ca.gov), if you have any questions regarding this matter.

A handwritten signature in blue ink that reads "Lauri Kemper". The signature is fluid and cursive, with the first name "Lauri" being more prominent than the last name "Kemper".

Lauri Kemper, P.E.
Assistant Executive Officer

Enclosure: Stipulated Agreement for Replacement Water Supply, Green Valley Food Products, Inc.

cc: Green Valley Foods Mailing List
Catherine Pool, Lahontan Water Board

CP/gg/T: Green Valley Foods Stipulated Agreement Public Notice
File Under: ECM / WDID 6B360606N01



Lahontan Regional Water Quality Control Board

July 6, 2017

WDID 6B360704003

Hector Huerta, President and Owner
Green Valley Foods Products, Inc.
25684 Community Boulevard
Barstow, CA 92311

PROPOSED STIPULATED AGREEMENT REQUIRING HECTOR HUERTA AND GREEN VALLEY FOODS PRODUCTS, INC. TO PROVIDE REPLACEMENT WATER, BARSTOW, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is providing this Stipulated Agreement (SA) for your review and signature. The SA memorializes an agreement between Hector Huerta and the Water Board for you to provide replacement water to all onsite workers and tenants at the properties as outlined in the agreement. Please review and sign or let us know if you have any comments by July 26, 2017.

If you have questions or comments regarding this matter, please contact Catherine Pool at (530) 542-5460 (catherine.pool@waterboards.ca.gov) or me (530) 542-5436 (lauri.kemper@waterboards.ca.gov)

LAURI KEMPER, P.E.
ASSISTANT EXECUTIVE OFFICER

Enclosure: Stipulated Agreement

CP/gg/T: Stipulated Agreement – Cover Letter
File Under: ECM / WDID 6B360704003

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15095 Amargosa Road, Bldg 2, Ste 210, Victorville CA 92394
e-mail Lahontan@waterboards.ca.gov | website www.waterboards.ca.gov/lahontan

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

In the Matter of:
HECTOR HUERTA, OWNER AND
OPERATOR OF GREEN VALLEY FOODS
PRODUCTS INC.

25684 COMMUNITY BOULEVARD
BARSTOW, CA 92311
SAN BERNARDINO COUNTY

STIPULATED AGREEMENT FOR
REPLACEMENT WATER SUPPLY AT:

San Bernardino County Assessor's Parcel No.
0497-221-14-0000, a.k.a

25684 Community Boulevard;
25660 Community Boulevard;
25666 Community Boulevard;
25679 Community Boulevard; and

Parcel No. 0497-221-13-0000, a.k.a.
36293 Community Boulevard

1. This Stipulation for Replacement Drinking Water (Stipulation) is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (Water Board), by Assistant Executive Officer Lauri Kemper and Hector Huerta, owner and operator of Green Valley Foods Products Inc. (Discharger).
2. Green Valley Foods Products Inc. Cheese Processing Facility (Facility) is located at 25684 Community Boulevard, approximately one mile northwest of Barstow, in San Bernardino County. The Facility property is also known as San Bernardino County Assessor's Parcel No. 0497-221-14-0000. There is a production well for water on the Facility property that supplies water to the cheese processing facility as well as four residences on the parcel. Tenants are housed in three of the four residences, at addresses known as 25660, 25666 and 25679 Community Boulevard (the fourth residence is currently unoccupied).
3. The Facility formerly discharged cheese processing wastewater onto nearby land at 36293 Community Boulevard, San Bernardino County Assessor's Parcel No. 0497-221-13-0000. There is a domestic well at 36293 Community Boulevard that supplies a residence. See Attachments A and B, incorporated herein by reference.
4. Attachment A shows the location of the Facility parcel and 36293 Community Boulevard where the wastewater was formerly discharged. Attachment B provides a closer view of the Facility parcel and the production well, and the former waste discharge parcel and its domestic well. Attachments A and B are hereby incorporated into and made a part of this agreement.
5. On June 22, 2016, Water Board staff issued a Request for Information to the Discharger to provide information on Facility operations and a groundwater investigation including sampling and analysis of monitoring wells and water supply wells on the site and water supply wells in the vicinity. Results of the groundwater investigation were submitted in a Groundwater Data Report dated February 17, 2017.
6. On October 20, 2016, in response to the Water Board's request, a GHD Consultants representative on behalf of Mr. Huerta collected water samples for laboratory analysis from the production well at the Facility, and the domestic water supply well at 36293 Community Boulevard. Analysis of the samples detected nitrate as nitrogen (nitrate as N) in concentrations that exceed the primary drinking water standard (Maximum Contaminant Level, or MCL) of 10

milligrams per liter (mg/L). The laboratory results from the production well at the Facility state the sample contained 13 mg/L nitrate as N. The laboratory results from the domestic well at 36293 Community Boulevard state the sample contained nitrate as N at 11 mg/L. On January 27, 2017, to verify the detection in the domestic well, Mr. Huerta's consultant collected a confirmation sample which detected nitrate as N at 9.5 mg/L, slightly below the MCL.

7. Analysis of the October 20, 2016 samples also detected total dissolved solids (TDS) in concentrations that exceed the recommended Secondary Maximum Contaminant Level (SMCL) of 500 mg/L for TDS. The upper SMCL for TDS is 1,000 mg/L. SMCLs were developed by United States Environmental Protection Agency (US EPA) and the State of California for non-health related effects such as undesirable taste, odor, corrosion, staining, discoloration, foaming, scaling, and sedimentation. The laboratory results from the production well at the Facility state the sample contained 920 mg/L TDS. The laboratory results from the domestic water well at 36293 Community Boulevard state the sample contained 570 mg/L TDS.
8. Based on the locations of the wells and former wastewater disposal practices, the Water Board contends and the Discharger disputes that the elevated nitrate as N and TDS concentrations are from the Facility. As part of its operating processes, for over 10 years the Facility discharged its cheese processing wastewater to the ground surface on the parcel at 36293 Community Boulevard. A sample of the cheese processing wastewater collected by GHD Consultants on April 21, 2016 detected nitrate as N at 43 mg/L and TDS at 16,000 mg/L. On or about November 23, 2011, the Facility began containing and off-hauling its cheese processing wastewater under waste manifest for disposal at a licensed disposal facility.
9. The Discharger agrees to supply continuous interim replacement drinking water to the people using the wells at the Facility and 36293 Community Boulevard. By so agreeing, the Discharger does not admit to any liability under or any violation of California Water Code or any other federal, state, or local law or ordinance. The Water Board agrees that nothing in this Stipulation shall constitute an admission of any violation of or liability under the Water Code or any other law in this or any other civil, criminal, or administrative proceeding.

ACTIONS

10. The Discharger and the Water Board have reached an agreement to provide for and/or reimburse purchases of continuous interim replacement drinking water to the people using the production well and the domestic well at the two properties. "Continuous" is defined as providing interim drinking water for consumption and cooking to accommodate all parties residing and/or working at the property, every day, with a no more than twelve hour lapse in availability. The interim replacement drinking water supply may consist of bottled water purchased from a drinking water supplier, or other equivalent alternative, and shall continue until nitrate as N concentrations at the production well and domestic well drop below 10 mg/L and TDS concentrations remain below 1,000 mg/L for four consecutive quarters.
 - a. As of June 14, 2017, the Discharger began providing replacement drinking water to the tenants at 36293 Community Boulevard, the workers at 25684 Community Boulevard, and the tenants at the addresses known as 25660, 25666 and 25679 Community Boulevard. On June 15, 2017, the Discharger provided documentation to the Water Board that he has begun providing bottled water from a drinking water supplier to each of these five addresses.

- b. The Discharger shall sample both the Facility production well and the domestic well at 36293 Community Boulevard quarterly for nitrate as N and TDS, and provide quarterly reports to the Water Board. The reports will include the sampling analyses, the number of people using each well, how much water is provided each time, and how often water is provided. The quarterly reports, containing the previous three months' information, are due on the 15th day of each month for the calendar year quarter. The quarterly reports are due on January 15, April 15, July 15 and October 15 each year. The quarterly sampling and reports will continue until the nitrate as N concentration is below the 10 mg/L MCL and the TDS concentration remains below the established interim value of 1,000 mg/L for the subject wells for a minimum of four consecutive quarters. The Discharger shall submit the report as a single Portable Document Format (PDF) package and include preferred contact and email address in the transmittal email or letter. Documents that are less than 50 MB shall be emailed to Lahontan@waterboards.ca.gov. Documents that are 50 MB or larger shall be transferred to a disk and mailed to the address listed below:

California Regional Water Quality Control Board
Lahontan Region – South Lake Tahoe Office
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

11. If the Water Board determines that pollutants from the Facility are impacting additional water supply wells used for drinking and cooking, raising the nitrate as N above the MCL (10 mg/L as N) and/or TDS above the upper SMCL (1,000 mg/L), the Water Board shall bring the situation to the immediate attention of the Discharger. The Water Board and the Discharger will then discuss whether the Discharger shall provide replacement water service to those users.

IT IS SO STIPULATED.

**California Regional Water Quality Control Board
Lahontan Region**

By: Lauri Kemper
Lauri Kemper, PE
Assistant Executive Officer

Date: July 6, 2017

Green Valley Foods Products Inc.

By: Hector Huerta
Hector Huerta
Green Valley Foods Products Inc. Owner and Operator

Date: July 26, 2017

Attachments: A: Vicinity Map
B: Parcels Requiring Replacement Drinking Water

Attachment A – Vicinity Map



Attachment B – Parcels Requiring Replacement Drinking Water

APN 0497-221-13-0000
36293 Community Blvd

APN 0497-221-14-0000
25684 Community Blvd

Tenant Residence

Domestic Well

Green Valley Foods
Production Well

Tenant Residences

