

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of)
)
MARY SCARPACE)
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For Review of Waste Discharge)
Requirements Order No. 93-13, for)
the Sunnyslope Farms Egg Ranch,)
Issued by the California Regional)
Water Quality Control Board,)
Central Coast Region. Our File)
No. A-988.)
_____)

ORDER NO. WQ 96-15

BY THE BOARD:

On February 5, 1993, the Regional Water Quality Control Board, Central Coast Region (CCRWQCB), adopted Waste Discharge Requirements Order No. 93-13 for Stefan Illy, the owner of Sunnyslope Farms Egg Ranch (Sunnyslope), located in San Luis Obispo County. In March 1993 Paul Bestwick filed a petition for review of these requirements with the State Water Resources Control Board (SWRCB or Board). On July 21, 1994, the SWRCB adopted Order No. WQ 94-5 which in part revised and remanded Order No. 93-13.

On July 14, 1995, the CCRWQCB approved a status report on Order No. 93-13, addressing compliance with SWRCB Order No. WQ 94-5. On August 11, 1995, Mary Scarpance filed a timely petition for review of the CCRWQCB's July 14 action. The petition was deemed complete by this Board on November 15, 1995.

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I. BACKGROUND

Stefan Illy (discharger) proposes to build, own, and operate the Sunnyslope Farms Egg Ranch, approximately three miles south of Shandon, in San Luis Obispo County. The egg production and processing operation will be located on 478 acres and will consist of two brood houses, eight laying houses, and an egg processing plant. This facility will occupy only a small portion of the property. It is expected that the facility will produce and process up to 1,000,000 eggs per day.

Wastewater will be generated and discharged in four systems. Up to 1,050 gallons per day (gpd) of domestic wastewater will be discharged to a conventional septic tank/leachfield system. Approximately 1,000-2,000 gpd of process wastewater from egg washing will be discharged to a separate septic tank/leachfield system. The leachfield serving the egg washing operation will consist of five leachlines, 110-feet long with adequate replacement area reserved for each of the fields. A holding tank will be installed at the end of the leachlines to capture flows in excess of the percolation capacity of the fields. This excess flow will be used for pasture irrigation. Finally, stormwater, which may contain manure, will be discharged to both a 7-acre and a 26-acre disposal area.

The CCRWQCB adopted waste discharge requirements for Sunnyslope in 1993. The SWRCB reviewed these requirements in Order No. WQ 94-5 and concluded that the CCRWQCB had taken

reasonable steps to provide water quality protection and to adequately regulate the discharge.

Although the Board generally upheld the waste discharge requirements contained in Order No. 93-13 for Sunnyslope, the SWRCB took three actions in Order No. WQ 94-5 with respect to the waste discharge requirements for the facility. First, the Board noted that the Water Quality Control Plan for the Central Coast Region (Basin Plan) had recently been amended to add water quality objectives for the Paso Robles Ground Water Basin.¹ The SWRCB, therefore, directed the CCRWQCB to review Order No. 93-13 to ensure that ground water limitations and water quality objectives, especially for total dissolved solids (TDS) and nitrogen, would be met by the discharger. Secondly, the Board amended Order No. 93-13 to require the discharger to submit for the approval of the CCRWQCB Executive Officer a plan, implementation program, and monitoring program to assure that the level of nitrates in the process wastewater would not cause an exceedance of water quality objectives. Finally, the SWRCB concluded that certain specific monitoring of the process wastewater should be required and that the frequency of monitoring should be increased.

On July 14, 1995, the CCRWQCB considered and approved a status report on Order No. 93-13. Specifically, the CCRWQCB approved staff's conclusion that Order No. 93-13 did not need to

¹ At that time, the amendments had been approved by this Board but not by the Office of Administrative Law (OAL). The amendments were subsequently approved by OAL.

be amended to include specific reference to the ground water objectives for the Paso Robles Ground Water Basin.² In addition, the CCRWQCB approved staff's determination that a waiver of ground water monitoring was appropriate for the discharge from the Sunnyslope facility.

In August the Board received a petition for review of the CCRWQCB's latest action on Sunnyslope. The petition challenges the consistency of the CCRWQCB's action with SWRCB Order No. WQ 94-5, objects to the waiver of ground water monitoring, and raises other issues regarding the adequacy of Order No. 93-13. These issues are addressed below.

II. CONTENTIONS AND FINDINGS³

1. Contention: Petitioner alleges that ground water limitations contained in Order No. 93-13 are not protective of water quality objectives and are inconsistent with the directives of Order No. WQ 94-5.

Finding: Order No. 93-13 does not reference the ground water objectives in the Basin Plan which are applicable to the Paso Robles Ground Water Basin. Rather, the order provides, in Ground Water Limitation C.1., that the discharge of wastewater from the Sunnyslope facility:

² The staff report on this item is contained in a letter, dated April 17, 1994, from Roger W. Briggs, Executive Officer, CCRWQCB, to Stefan Illy, Sunnyslope.

³ All contentions not discussed in this order are denied for failure to raise substantial issues appropriate for review. Title 23, California Code of Regulations, Section 2052(a)(1). People v. Barry (1987) 194 Cal.App.3d 158, 139 Cal.Rptr. 349.

". . . shall not cause a significant increase of mineral constituent concentrations in underlying ground waters, as determined by comparison of samples collected from wells located upgradient and downgradient of the disposal area."

Limitation C.1. addresses incremental increases in constituent concentrations in the ground water caused by the discharge. Limitation C.1. does not, however, ensure that the numeric ground water quality objectives will be met in this case. These objectives establish the maximum allowable concentration levels in the ground water for the affected constituents. The waste discharge requirements for Sunnyslope must implement these objectives. See Water Code Section 13263; cf. SWRCB Order No. WQ 73-4 (Rancho Caballero).

Order No. 93-13 should, therefore, contain a provision which applies the appropriate ground water quality objectives to this discharge. Order No. 93-13 is, accordingly, hereby amended to include the following requirement:

"The discharge shall not cause the following water quality objectives to be exceeded:
Total Dissolved Solids - 1390 mg/l;
Chloride - 430 mg/l; Sulfate - 1025 mg/l;
Boron - 2.8 mg/l; Sodium - 730 mg/l; Nitrate
(as N) - 2.3 mg/l."

2. Contention: Petitioner contends that the CCRWQCB Executive Officer inappropriately waived ground water monitoring.

Finding: The monitoring program of Order No. 93-13 provides that installation of monitoring wells may be waived if the discharger can demonstrate to the satisfaction of the Executive Officer that there are mitigating factors such that the

discharge will not adversely impact ground water quality. The monitoring program sets forth mitigation criteria.⁴

Based upon the waiver provision and information submitted by the discharger, CCRWQCB staff informed the discharger that ground water monitoring would be waived. Petitioner contends that the waiver was improper because, without ground water monitoring, the discharger cannot ensure that ground water objectives will be met. Petitioner also contends that the discharger did not meet the mitigation criteria and that, in any event, the waiver is inconsistent with SWRCB Order No. WQ 94-5.

The Board concludes that a waiver of ground water monitoring is inappropriate in this case, at least during the initial operation of the facility. Ground water monitoring is necessary to ensure compliance with Ground Water Limitation C.1., which relies on a comparison of samples from upgradient and downgradient wells to determine whether the discharge has caused a significant increase in mineral constituent concentrations. In addition, ground water monitoring is the most logical method to ensure compliance with ground water objectives. Finally, in Order No. WQ 94-5, the Board expressed a concern regarding the potential impact of the discharge on nitrate concentrations in

⁴ These criteria are:

(1) Depth to ground water is so great that when coupled with other factors may prevent pollutants from reaching or adversely affecting ground water quality.

(2) Geologic features, i.e., soil type, permeability, presence of geological layer prohibiting migration of pollutants to ground water, etc.

(3) Ground water has sufficient assimilative capacity due to the magnitude of the aquifer.

the ground water. For this reason, the Board required the discharger to submit a monitoring program "to assure that the level of nitrates in the process wastewater does not cause water quality objectives to be exceeded." The Board contemplated ground water monitoring to provide this assurance.

The Board has reviewed the ground water monitoring program included in Order No. 93-13. Both the constituents included in the program and the monitoring frequency appear to be adequate.

The Board, therefore, rescinds the waiver previously granted by the CCRWQCB. This action is predicated on the assumption that the discharger can utilize existing wells to conduct ground water monitoring.

III. SUMMARY AND CONCLUSION

In view of the importance of compliance with the new ground water quality objectives in the Paso Robles Ground Water Basin, we have included the amendment to Order No. 93-13 discussed herein. In addition, the Board concludes that ground water monitoring should not be waived. The petition is otherwise denied.

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IV. ORDER

IT IS HEREBY ORDERED that Order No. 93-13 is revised as discussed above and that the waiver of ground water monitoring is rescinded. It is further ordered that the petition is otherwise denied.

CERTIFICATION

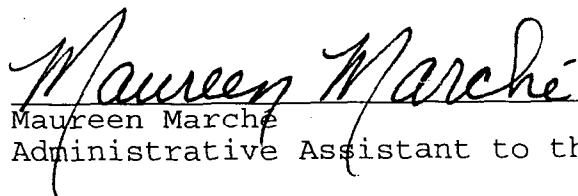
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 17, 1996.

AYE: John Caffrey
John W. Brown
Marc Del Piero
James M. Stubchaer
Mary Jane Forster

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board