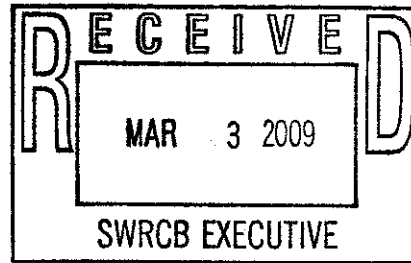




2401 MacArthur Drive
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Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov

March 3, 2009

Re: Leprino Foods Company ("Leprino") Comments on Draft Order for A-1846(a) and A-1846(b) – March 17, 200009 Board Meeting (City of Tracy NPDES Permit)

Dear Ms. Townsend and Members of the State Water Board:

Leprino submits the following comments on the proposed Draft Order issued for public comment on February 2, 2009.

Leprino operates a Cheese and Whey Manufacturing facility in the City of Tracy and discharges pretreated wastewater to the City of Tracy wastewater treatment plant (WWTP). It is the largest discharger to the City's WWTP in the industrial classification. Leprino represents approximately 6.5% of the total flow to the City system at .585 mgd average daily flow over the past twelve months. Leprino also represents approximately 10.5% of the total TDS load to the City at 7938 lbs. per day average for the past twelve months.

Leprino shares the Board's concern over the problem of salinity in the Central Valley and is committed to the continued study, evaluation, and implementation of feasible measures to reduce its contribution to the problem and to help work cooperatively towards long term solutions for all involved.

Leprino has been proactive in evaluating its operations and taking steps to reduce its overall water usage and accompanying effluent characteristics to the City system. For example, since early 2007, Leprino has made significant reductions in its contribution to both flows and TDS loading to the City WWTP:

<u>Period</u>	<u>Flow to City</u>	<u>TDS lbs/day to City</u>
Jan. 06-Dec. 06	.651mgd	9339 lbs/day
Jan. 07-Dec. 07	.604mgd	9498 lbs/day
Jan. 08-Dec. 08	.584mgd	7967 lbs/day

Leprino's efforts have led to a **10.2% reduction in flow** to the City per day in 2008 vs. 2006, and a **16.1% reduction in TDS load** to the City in 2008 vs. 2007.

Leprino accomplished these reductions, while maintaining facility production levels, through a concerted effort of the plant staff to identify areas of opportunity in the following areas:

- reducing water flows in total and isolating and capturing high strength TDS loads;
- maximization of water reuse within the plant to the extent possible under current regulatory requirements;
- expanding use of cleaning chemical reclaim systems; and
- use of a proprietary cheese brining system and brine ultrafiltration.

Leprino is committed to a process of continuous improvement in these areas, including evaluation of new technologies as they are identified, provided such opportunities are not cost prohibitive to our ability to successfully run our business.

Leprino has made these improvements and is committed to pursuit of further reductions without the Regional Water Board or State Board imposing currently unachievable numeric effluent limits for TDS and EC. Imposing numeric limits will result in penalties (either through fines or the installation of costly alternatives) to the City of Tracy, which will then pass through to the users of the system. Adding additional cost burden is not a long term solution. Neither is forcing either the City, or users of the City system, to implement technologies (such as microfiltration or reverse osmosis) that are not economically viable, and likely will have additional negative environmental consequences in the way of energy usage, air pollution and transportation impacts. This is not a long term solution as it would likely result in some users (like Leprino) to consider ceasing operation in Tracy.

The Regional Water Board, through the actions required in the current NPDES permit, has made it very clear to Leprino and the City of Tracy that TDS and EC loading cannot be business as usual and that all contributors to the problem, and there are many, need to do their share to reduce the impact on the environment and the waters of the Delta. Leprino has worked cooperatively with the City of Tracy in the past, and will continue to do so going forward, to collaboratively implement the City's Salinity Reduction Plan, as required by the current permit. Leprino urges the State Board to find that the City of Tracy's NPDES permit, as issued, has complied with law, regulation, and guidance and represents a viable interim solution until the Valley-wide salinity management plan currently being worked on by all stakeholders is adopted and implemented.

Respectfully submitted,

Joel N. Krein
Vice President – Operations
Leprino Foods Company