CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

Region 7 Office
73-720 Fred Waring Dr. #100
Palm Desert, CA 92260
(760) 346-7491
Regional Board Website (https://www.waterboards.ca.gov/coloradoriver)

WASTE DISCHARGE REQUIREMENTS ORDER R7-2023-0001

ORDER INFORMATION

Order Type(s):	Waste Discharge Requirements (WDRs)
Status:	ADOPTED
Program:	Non-15 Discharges to Land
Discharger(s):	Spreckels Sugar Company, Inc.
Facility:	Sugar Beet Processing Facility, Brawley
Address:	295 West Keystone Road, Brawley, California 92227
County:	Imperial County
Parcel Nos.:	040-330-002; 040-330-003
GeoTracker ID:	WDR100034568
CIWQS ID:	CW-391727
WDID:	7A132008011
Prior Order(s):	WDRs Order R7-2013-0057 (Disposal Ponds) WDRs Order R7-2015-0023 (Holding Basin)

CERTIFICATION

I, Paula Rasmussen, 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, Colorado River Basin Region, on January 10, 2023.

Original signed by

PAULA RASMUSSEN
Executive Officer

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE INDEX

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 Colorado River Basin Region

BOD .....Five-Day Biochemical Oxygen Demand at 20°C

BPTC .....Best Practicable Treatment and Control

CEQA.....California Environmental Quality Act

CEQA Guidelines.....Regulations for Implementation of CEQA

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

DWR.....California Department of Water Resources

MCL[s] .....Maximum Contaminant Level[s] for Drinking Water under Title 22

mg/L.....Milligrams per Liter

MRP .....Monitoring and Reporting Program

Operative MRP.....Monitoring and Reporting Program R7-2023-0001 and any subsequent revisions thereto

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

SMRs .....Discharger Self-Monitoring Reports

TDS.....Total Dissolved Solids

TSS .....Total Suspended Solids

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

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

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

GLOSSARY

USEPA.....United States Environmental Protection Agency

WDRs.....Waste Discharge Requirements

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

(findings begin on next page)

FINDINGS

The Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) hereby finds as follows:

1. Spreckels Sugar Company, Inc.[1] (Discharger) owns and operates a sugar beet processing plant (Facility) at 395 West Keystone Road, Brawley, Imperial County. Among other things, the Discharger discharges process wastewater into multiple onsite earthen unlined basins for disposal (collectively, Disposal Basins). Facility operations also incorporate use of a former coal ash pond as an unlined holding basin for recycled water (Holding Pond).

2. The Facility is assigned the following identification numbers:

    a. California Integrated Water Quality System (CIWQS): CW-391727

    b. Waste Discharger ID (WDID): 7A132008011 [2]

    c. GeoTracker Global ID: WDR100034568.

3. The Facility is located at 395 West Keystone Road, south of the City of Brawley in Imperial County; in the west ½ of the northwest ¼ of Section 29 and the north ½ of Section 30, Township 14 South, Range 14 East, San Bernardino Baseline & Meridian. The location is shown in **Attachment A**, and the layout is partially shown in **Attachment B**, incorporated herein.

4. The Disposal Basins were previously regulated under Waste Discharge Requirements Order R7-2013-0057 (adopted June 20, 2013).

5. The Holding Pond was previously regulated under Waste Discharge Requirements Order R7-2015-0023 (adopted May 13, 2015).

6. On March 20, 2022, the Discharger submitted an application and Report of Waste Discharge (ROWD) to the Colorado River Basin Water Board for updated WDRs to reflect the change in operations at the Facility.

---

[1] In Waste Discharge Requirements Order R7-2013-0057, the Discharger was previously identified as the “Holly Sugar Corporation [doing business as] Spreckels Sugar Company.”

[2] The Facility’s other existing WDID number, which is associated with Waste Discharge Requirements Order R7-2015-0023 for the Holding Pond, will become inactive.

7. This Order regulates the wastewater discharges that were previously separately regulated under the 2013 and 2015 Waste Discharge Requirements (WDRs) orders; and also updates the WDRs to comply with applicable laws and regulations.

Facility Description

8. The Facility receives raw sugar beets from agricultural fields for mechanical cleaning, washing, and processing. Granulated sugar, beet pulp, and molasses are produced and transported off the site. The Facility operates continuously during the sugar beet harvesting period, which extends from about early April to mid-August. Some intermittent wastewater discharges of smaller volumes occur outside of the four-month operational period. This small fraction of wastewater generated outside the operational period consists of water used for some of the following activities: facility clean-up, maintenance shop vehicle cleaning, and tare lab use for sugar beet sample analysis.

9. Sugar beets consist of approximately 80 percent water, which is extracted during the sugar removal process. Industrial process water is provided to the Facility by Imperial Irrigation District's (IID) Central Main Canal. Based on 2021 consumption records, IID supplies an average of 30.6 acre-feet during the operating season. Drinking water is delivered by truck (Sparkletts water bottles).

10. The Facility discharges approximately 1.325 million gallons per day (MGD) of sugar beet washing and processing wastewater into a system of Disposal Basins. The Discharger estimates that industrial process water generally comprises around one quarter of the total flow to the clarifier. Although these Disposal Basins are nominally intended to dispose of wastewater via evaporation, they are unlined. It is therefore expected that at least a portion of the wastewater discharged to the Disposal Basins is infiltrated into the ground and percolated to groundwater.

11. The Facility process flow is shown in **Attachment C**, incorporated herein. **Table 1** summarizes the waste streams that make up the approximately 1.325 million gallons of wastewater that is discharged each day to the Disposal Basins.

Table 1. Summary of Wastewater Sources, in Millions of Gallons per Day (MGD).

Source	Volume (MGD)	Daily Percentage
Clarifier and Underflow Basin (Mud Ponds)	1.175 MGD	88.68%

Source	Volume (MGD)	Daily Percentage
Precipitated Calcium Carbonate (PCC) Retention Basins	0.15 MGD	11.32%

Clarifier and Underflow Pond Waste Stream

12. Wastewater from the processing plant is discharged into a cylindrical Clarifier (tank) where solids are allowed to settle out. The flow to the clarifier consists of the following: any excess condensate that is not used in the process or pumped to the Holding Pond, any residue of sugar from process that ends up being washed to the floor, unburned lime from lime kiln that gets filtered out, and soil that comes in with the beets. Higher-quality effluent flows from the upper part of the Clarifier into a level-controlled storage tank where a portion of it is returned to the plant for reuse (returned to the process for washing beets). Water in excess of what can be reused or stored is discharged to the Disposal Basins.

13. Meanwhile, wastewater (containing sand and silt) is also pumped from the bottom of the Clarifier (Underflow Basin) to the Underflow Ponds (also referred to as mud ponds), where the solids settle to the bottom. The remaining liquid is then discharged to the Disposal Basins, although the liquid typically evaporates before reaching the Disposal Basins. The solids are periodically removed from the Underflow Ponds; they are then dried and used as fill material to reinforce onsite berms or roads.

14. As of the date of this Order, the quality of effluent from the Clarifier and Underflow Pond waste stream has not yet been separately characterized (i.e., apart from wastewater from the precipitated calcium carbonate ponds, discussed below).

Sugar Extraction Waste Stream

15. Another waste stream arises out of the sugar extraction process. After cleaning, beets are sliced and transformed into a liquid. Milk of Lime[3] is added to the beet juice stream. Carbon dioxide is then added to precipitate out impurities from the juice (carbonization). Precipitated calcium carbonate (PCC) is generated during the first and second carbonization stages of sugar purification, but only removed

[3] calcium hydroxide, $Ca(OH)_2$

from the first carbonization stage filters (any PCC generated in the second stage is recirculated to the first).

16. The PCC is then slurried to one of several (seven) separate earthen PCC Ponds, where the liquid is separated from the PCC and discharged to the Disposal Basins (estimated to be 0.15 MGD). The water used to slurry the PCC is condensate water from the evaporator. The remaining PCC is left to dry in place (a different basin is used each operating season), and then stockpiled for transportation offsite (e.g., for use as soil amendment).

17. PCC ponds are alternated during each operating season, with two ponds excavated each year. Generally, one and a half PCC ponds are used during the operating season.

18. The existing stockpile of PCC at the Facility is separately discussed in the findings below.

Disposal Basins

19. The Disposal Basins consist of a series of long shallow ponds that are hydraulically connected. Wastewater is discharged from a sump into the first Disposal Basin and allowed to flow by gravity into the last Disposal Basin in the chain.

20. Previously, when the water level in the last Disposal Basin in the chain was high enough, wastewater was pumped into a sprinkler system at the high end of the Disposal Basins and dispersed into the air to increase evaporation. Water from the sprinklers that did not evaporate was discharged back into the Disposal Basins. The Discharger states the sprinkler system has not been used in the last four years and does not intend to continue use of this equipment.

21. There are a total of five (5) Disposal Basins. The maximum holding capacity of the Disposal Basins, considering the depth to be ten (10) feet and the freeboard minimum of two (2) feet, is 293 million gallons.

22. There are no treatments or chemicals added to the wastewater once it is discharged to the Disposal Basins.

23. Every year, at least one section of a pond is being excavated. Residual material from the Disposal Basins that is excavated is then used for on-site purposes, such as the Soil Reclamation Program.

Recycled Water Holding Basin

24. Prior to converting the Facility's boiler to burn natural gas, coal ash was previously stored in a subsurface impoundment. Following the conversion, the Discharger excavated the coal ash and other material (the last of the material was removed in 2012). The Discharger subsequently began using the impoundment as a holding pond for recycled process water (Holding Pond).[4]

25. During the sugar beet processing season, the Discharger estimates that approximately 117,500 gallons per day (GPD) flows into the Holding Basin, which has a capacity of 3.4 million gallons (MG).

26. Evaporator condensate generated in the sugar extraction process will occasionally be discharged into the Holding Pond, though it is typically recycled back into the system. Canal water also flows into the Holding Pond, which is treated to potability standards in an onsite water treatment system[5].

27. Holding Pond water is used for dust control at the Facility. This application of Holding Pond water for dust control is allowed and required by the Imperial County Air Pollution Control District as a mitigation operation to help eliminate dust emissions. Two water trucks are in constant operation during the beet processing season to mitigate the dust emissions from the extreme heat in the summer and truck traffic at the Facility.

Precipitated Calcium Carbonate Waste Pile

28. Each operating season, approximately 40,000 tons of PCC is generated. A portion of the PCC generated is reused at the Facility for its Soil Reclamation Program (SRP), which focuses on rehabilitating lands that are high in salts to a land that becomes productive farmland. The Discharger's SRP does not include any offsite property and is only applicable to Spreckels Sugar property. As part of the SRP, PCC is added to the soil to improve the lands' productivity. The remainder of the

[4] According to a prior WDRs order, certain materials from the coal ash bank were tested and determined to be "non-hazardous" for the purposes of California Code of Regulations, title 22 (Title 22).

[5] The Small Water System is permitted by the Imperial County Department of Public Health and has the following identification number: 1300644

PCC generated contains large rocks and cannot be used for soil reclamation. PCC containing rocks is stockpiled onsite.

29. The Discharger also provides a portion of the produced PCC to Helena Chemical as a soil amendment. In 2021, Helena Chemical received 7,263 tons of PCC. The remainder of the PCC generated stayed at the Facility and was used in its SRP.

30. The Discharger has a Conditional Use Permit (CUP) with the Imperial County Planning Department to stockpile unused PCC (containing rocks) generated at the Facility. The CUP does not currently have any conditions pertaining to PCC pile height limits.

31. This Order requires the Discharger to submit an Interim Management Plan describing the actions currently taken to manage the large PCC stockpile, avoid impacts to groundwater and avoid stormwater runoff. This Order also requires the Discharger to submit a Long-Term Management Plan proposing a method and time schedule for removal of the PCC Waste Pile.

Septic Tank / Leach Field

32. Sanitary wastewater from the Facility is disposed of via a septic tank/leach field system, which is separately regulated by Imperial County under a Local Agency Management Plan (LAMP) in accordance with the State Water Resources Control Board's *Onsite Wastewater Treatment System Policy*.

33. The Facility has two primary septic tanks connected to a leach field. There is also a separate small septic tank servicing a single toilet and sink in the agricultural mechanical shop. The bottom of the septic tanks are 12.5 feet below ground.

34. The sanitary wastewater is not comingled with the industrial process water.

Wastewater Characterization

35. The quality of wastewater from the Clarifier and Underflow Pond (1.175 MGD) and PCC Ponds (0.15 MGD), which is commingled and discharged to the Disposal Basins, is summarized in **Table 2** below. (SMRs, 2017-2021.)[6] Under the prior Monitoring and Reporting Program (Order R7-2013-0057), Five-Day Biochemical Oxygen Demand (BOD5) and pH were only required to be analyzed

[6] The Discharger has not previously been required to monitor or report the TDS in discharges to the Disposal Basins.

once annually (i.e., during the operating season); Total Dissolved Solids (TDS) was not required to be analyzed.

Table 2. Characterization of Wastewater Discharge to Disposal Basins.

Parameter	Units	Average	Maximum	Minimum
Flow (Estimated)	MGD	1.47	--	--
pH	Std. Units	7.34	8.37	5.73
BOD5	mg/L	1,531	2118	196

36. The quality of wastewater in the Disposal Basins is summarized in **Table 3**. (SMRs, 2017-2021.) Under the prior Monitoring and Reporting Program (Order R7-2013-0057), the Disposal Basin wastewater was sampled once annually (i.e., during the operating season).

Table 3. Characterization of Wastewater in Disposal Basins.

Parameter	Units	Average	Maximum	Minimum
pH	Std. Units	8.65	9.11	7.93
TDS	mg/L	14,401	16,100	10,676

37. The quality of wastewater discharged into the Holding Pond is summarized in **Table 4** below. (SMRs, 2017-2021.) Under the prior Monitoring and Reporting Program (Order R7-2015-0023), effluent was sampled once annually (i.e., during the operating season).

Table 4. Characterization of Wastewater Discharge to Holding Pond.

Parameter	Units	Average	Maximum	Minimum
Flow (Estimated)	MGD	0.04	--	--

Parameter	Units	Average	Maximum	Minimum
TDS	mg/L	2,571	12,000[7]	89.5
pH	Std. Units	8.6	9.9	6.0
TSS	mg/L	3.3	11	ND
BOD5	mg/L	2,956	14,000	37.9

38. The quality of wastewater stored in the Holding Pond for eventual dust-control applications is summarized in **Table 5** below. (SMRs, 2017-2021.) Under the prior Monitoring and Reporting Program (Order R7-2015-0023), wastewater in the Holding Pond was sampled only once annually (i.e., during the operating season).

Table 5. Characterization of Wastewater in Holding Pond.

Parameter	Units	Average	Maximum	Minimum
TDS	mg/L	567	1,200	236
pH	Std. Units	7.9	9.7	7.25
BOD5	mg/L	337	1,500	ND

Hydrogeologic Conditions

39. Annual precipitation in the region averages about 3 inches. Annual evapotranspiration rate in the vicinity is approximately 71 inches.

40. There are no domestic wells within 500 feet of the Facility.

41. According to Waste Discharge Requirements Order R7-2013-0057 (2013 WDRs Order), shallow groundwater was encountered at approximately six feet below the bottom of the Disposal Basins. However, a more recent soil investigation (for the reconstruction of the East Beet Shed) indicated that some sort of seepage was

[7] This maximum TDS value of 12,000 mg/L appears to be anomalous based on review of the Discharger's SMRs.

detected at approximately 4.5 feet below ground surface. During this geotechnical evaluation, groundwater was encountered at a depth of approximately 30 feet.

42. According to the 2013 WDRs Order, underlying groundwater has a TDS content of about 14,000 mg/L. This information must be confirmed through additional groundwater investigation and ongoing monitoring. As of this Order's adoption, no current groundwater quality information exists.

Legal Authority

43. This Order prescribes requirements (WDRs) for the discharge of waste (i.e., wastewater) pursuant to Water Code section 13263, subdivision (a), which provides 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, except discharges into a community sewer system, 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.

44. As discussed below, this Order implements the Colorado River Basin Water Board's Water Quality Control Plan for the Colorado River Basin Region (Basin Plan), which designates beneficial uses for surface water and groundwater and establishes water quality objectives (WQOs) necessary to preserve such uses.[8]

45. This Order is also issued 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 within its region, … shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of

[8] The provisions of Water Code section 13241 are not applicable to this Order.

> 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.

46. The technical reports required under this Order, as well as those required under the separately issued Monitoring and Reporting Program (including subsequent revisions thereto), are necessary to ensure compliance with prescribed WDRs; additional reasons for the submittal of reports are provided in the findings above. Additionally, the burdens associated with such reports are reasonable relative to the need for their submission.

47. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for an Order modification, rescission, or reissuance, or the Discharger's notification of planned changes or anticipated noncompliance, does not stay any Order condition. Causes for modification include, but are not limited to, the violation of any term or condition contained in this Order, a material change in the character, location, or volume of discharge, a change in land application plans or sludge use/disposal practices, or the adoption of new regulations by the State Water Board, Colorado River Basin Water Board (including revisions to the Basin Plan), or federal government.

48. Permitting coverage under this Order is not transferable to any person without written approval by the Executive Officer.

Basin Plan Implementation

49. The Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve those WQOs for all waters addressed through the plan. Pursuant to Water Code section 13263, subdivision (a), WDRs must implement the Basin Plan and take into consideration the beneficial uses to be protected, the WQOs reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

50. The discharge is located within the Imperial Hydrologic Unit. The Basin Plan designates the following beneficial uses for groundwater:

    d. Municipal Supply (MUN), and

e. Industrial Supply (IND).

51. Adopted pursuant to Water Code section 13263, this Order prescribes WDRs for waste discharges that are not subject to regulation under Clean Water Act section 402 (33 U.S.C. § 1342).

52. These WDRs implement the Basin Plan's numeric and narrative WQOs for groundwater and surface waters established by the Basin Plan and other applicable state and federal laws and policies.

53. The Basin Plan establishes the following WQOs for MUN-designated groundwater:

f. Tastes and Odors (Narrative): Groundwater shall not contain taste or odor-producing substances that adversely affect beneficial uses as a result of human activity (Ch. 3, § IV.A);

g. Coliform Bacteria (Numeric): Groundwater shall not contain coliform organisms in exceedance of the limits specified in California Code of Regulations, title 22 (Title 22), section 64426.1 (Ch. 3, § IV.B); and

h. Chemical Constituents (Numeric): Groundwater shall not contain organic and inorganic chemical constituents in concentrations exceeding the Primary Maximum Contaminant Levels (MCLs) established for drinking water per Title 22, sections 64431, 64444 and 64678 (Ch. 3, § IV.C).

i. Although they are not universally incorporated into the Basin Plan as numeric WQOs for MUN-designated groundwater, the Secondary MCLs, established for drinking water per Title 22, section 64449, are appropriate in most cases for use as site-specific numeric limits supporting the narrative WQO for groundwater tastes and odors.

54. With respect to the narrative WQO for chemical constituents, specifically the objective for Total Dissolved Solids (TDS), the Title 22 Secondary MCL specifies a recommended limit of 500 mg/L, and an upper limit of 1,000 mg/L.[9] For the purposes of the site-specific numeric limit supporting the narrative WQO for tastes

[9] Salinity may alternatively be expressed in terms of microsiemens per centimeter (µS/cm) of Electrical Conductivity (EC). As a Secondary MCL, Title 22 specifies a recommended limit of 900 µS/cm, and an upper limit of 1,600 µS/cm.

and odors in MUN-designated groundwater, this Order provisionally incorporates the 1,000 mg/L upper limit for TDS.[10]

55. Additionally, the State Water Resources Control Board's *Sources of Drinking Water Policy*, Resolution 88-63, provides that groundwater with TDS in excess of 3,000 mg/L cannot reasonably be expected to supply a public water system. (Resolution 88-63, pp. 1-2.)

Antidegradation Policy Analysis

56. The Basin Plan incorporates the State Water Resources Control Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California*, Resolution 68-16 (Antidegradation Policy). The Antidegradation Policy generally prohibits the Colorado River Basin Water Board from authorizing discharges that will result in the degradation of "high quality" waters, unless it is demonstrated that such degradation: (a) will be consistent with maximum benefit to the people of the state; (b) will not unreasonably affect beneficial uses or otherwise result in the violation of WQOs; and (c) is minimized through the implementation of best practicable treatment or control (BPTC).

57. The baseline for determining whether waters are "high quality" under the Antidegradation Policy is the highest quality achieved since the policy was established in 1968. If the subject waters have not achieved the minimum quality necessary to meet WQOs since 1968, the waters are considered "poor quality," which means the Antidegradation Policy does not apply. This determination is made on a constituent-by-constituent basis, meaning that waters may be considered "high quality" with respect to some constituents but not others.

58. Based on the Discharger's effluent characterization, Total Dissolved Solids (TDS) is the primary constituent with potential to degrade underlying groundwater. The Colorado River Basin Water Board's analysis under the Antidegradation Policy is therefore limited to discussion of TDS.

59. According to the Department of Water Resources (DWR), almost all of the groundwater in the general area of the Facility is extremely high in TDS, vastly exceeding the "upper limit" of 1,000 mg/L used as a site-specific numeric limit supporting the narrative WQO for chemical constituents in MUN-designated

[10] This numeric limit may be revised based on new information (e.g., presence of higher-quality groundwater with respect to TDS).

groundwater.[11] Although Facility activities may have contributed to the TDS in underlying groundwater, the overall high TDS concentrations are nevertheless non-anthropogenic and anthropogenic as the result of many years of irrigating agricultural lands in the vicinity of the Facility and the result of evapotranspiration, and may be presumed to have vastly exceeded site-specific numeric limit as of 1968. The groundwater beneath the Facility is therefore considered "poor quality" with respect to TDS, and is not subject to the Antidegradation Policy.

Other Regulatory Considerations

60. The WDRs in this Order are currently exempt from the prescriptive requirements of California Code of Regulations, title 27 (Title 27), 20005 et seq., as the wastewater discharges authorized hereunder comply with the Basin Plan, and do not need to be managed as "hazardous waste." (Title 27, § 20090.) This determination may need to be reevaluated based on new information, particularly with respect to wastewater discharges to the Disposal Basins and the Holding Pond.

61. Pursuant to Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Although section 106.3 does not directly apply to WDRs, the Basin Plan nevertheless broadly promotes that policy. Regardless, the groundwater underlying the Facility is unusable for MUN beneficial uses.

62. The discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge. (Wat. Code, § 13263, subd. (g).)

63. Effective January 1, 2023, Water Code section 13149.2, subdivision (d) requires that the Colorado River Basin Water Board, "[w]hen issuing … individual waste discharge requirements … that regulate activity or a facility that may impact a

[11] This Order nevertheless requires the Discharger to undertake a groundwater investigation to confirm underlying groundwater at the Facility is consistent with Board assumptions.

disadvantaged[12] or tribal community,[13] and that includes a time schedule in accordance with subdivision (c) of Section 13263 for achieving an applicable water quality objective, an alternative compliance path that allows time to come into compliance with water quality objectives, or a water quality variance…," must include finding(s) regarding "potential environmental justice, tribal impact, and racial equity considerations" that are relevant to the permitting action. (Assem. Bill No. 2108 (2021-2022 Reg. Sess.) § 3.) This Order does not incorporate a time schedule for compliance with applicable WQOs, or any of the other provisions described in Water Code section 13149.2, subdivision (d). Accordingly, no additional findings are necessary under section 13149.2.

Stormwater

64. Federal regulations for stormwater discharges were promulgated by the U.S. Environmental Protection Agency on November 16, 1990 (40 C.F.R. parts 122, 123, and 124) to implement the Clean Water Act's stormwater program set forth in Clean Water Act section 402, subdivision (p) (33 U.S.C. § 1342(p)). In relevant part, the regulations require specific categories of facilities that discharge stormwater associated with industrial activity to "waters of the United States" to obtain National Pollutant Discharge Elimination System (NPDES) permits and to require control of such pollutant discharges using Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards.

65. The State Water Board adopted Order 2014-0057-DWQ (NPDES No. CAS000001), *General Permit for Storm Water Discharges Associated with Industrial Activities* (Industrial General Permit) on July 1, 2015. Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage with a design flow of one million gallons per day or more, or that are required to have an approved pretreatment program under 40 Code of Federal

---

[12] For the purposes of this requirement, a "disadvantaged community" is defined as a "community in which the median household income is less than 80 percent of the statewide annual median household income level." (Wat. Code, § 13149.2, subd. (f)(1).)

[13] For the purposes of this requirement, a "tribal community" is defined as a "community within a federally recognized California Native American tribe or nonfederally recognized Native American tribe on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004." (Wat. Code, § 13149.2, subd. (f)(2).)

Regulations part 403, are required to enroll under the Industrial General Permit, unless there is no discharge of industrial stormwater to waters of the United States.

66. The Facility has a Standard Industrial Classification (SIC) code of 2063, which is a regulated code. This Order contains a Special Provision for the Discharger to obtain coverage under the Industrial General Permit or apply for a notice of non-applicability (NONA) that specifies the basis for not needing to obtain coverage.

67. This Order also does not authorize or otherwise permit any discharges of stormwater to the waters of the United States.

California Environmental Quality Act

68. Pursuant to California Code of Regulations, title 14, section 15301, the issuance of these WDRs, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

Public Participation

69. The Colorado River Basin Water Board has notified the Discharger and all known interested agencies and persons of its intent to issue WDRs for this discharge and has provided them with an opportunity for a public meeting and to submit comments.

70. The Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this discharge.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that Waste Discharge Requirements Orders R7-2013-0057 and R7-2025-0023 are rescinded (except for enforcement purposes); and that the Discharger shall comply with the following requirements.

A. Discharge Prohibitions

1. The following wastes shall not be discharged at any location within the Facility:

   a. "Hazardous Waste" as defined per Title 27, section 20164[14];

   b. "Designated" waste, as defined per Water Code section 13173.[15]

2. Wastewater shall not be discharged to any location other than the designated disposal areas at the Facility.[16] For the purposes of this Order, the "Designated Disposal Areas" are limited to the existing Disposal Basins, Mud Ponds, PCC Ponds and Holding Pond, as described in the Findings.

3. Except as expressly authorized by another Waste Discharge Requirements permit, the discharge of any wastewater from the Facility to any surface waters or surface drainage courses is prohibited.

---

[14] Title 27, section 20164 defines "Hazardous Waste" as any waste which, under Title 22, article 1, chapter 11, division 4.5 (§ 66261.3 et seq.), is required to be managed according to that same division.

[15] **Designated Waste** is defined in relevant part as "[n]onhazardous waste that consists of, or contains, pollutants that, under ambient environmental conditions at a waste management unit [e.g., Designated Disposal Areas], could be released in concentrations exceeding applicable water quality objectives [WQOs] or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan." (Wat. Code, § 13173, subd. (b).)

[16] This prohibition necessarily includes the discharge of wastewater to areas outside of the Facility boundaries, and areas not owned or controlled by the Discharger.

4. The Discharger shall not dispose of waste in excess of the design capacity of the Facility's disposal system.

5. Surfacing or ponding of wastewater outside of the designated disposal areas is prohibited.

6. Wastewater shall not be discharged in a manner other than as described in the Findings.

7. There shall be no surface flow of wastewater away from the Designated Disposal Areas, as described above.

8. The storage, treatment, or disposal of wastes from the Facility shall not cause contamination, pollution, or nuisance as defined in Water Code section 13050, subdivisions (k), (l), and (m).

B. Discharge Specifications

1. The Discharger shall maintain at least two (2) feet of freeboard in the Disposal Basins and Holding Pond (measured vertically), as well as additional freeboard to accommodate seasonal precipitation and to contain a 100-year storm event. Freeboard shall be utilized for wake and waves of fluid motion and emergency or natural disaster purposes only.

2. All treatment, storage, and disposal areas shall be designed, constructed, operated and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

3. The Disposal Basins and Holding Pond shall each have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, ancillary inflow, and infiltration. 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.

4. The designated disposal areas shall be managed to prevent breeding of mosquitoes. In particular:

    a. An erosion control program should 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.

5. Public contact with wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.

6. Objectionable odors originating at the Facility shall not be perceivable beyond the limits of the disposal area.

7. Adequate measures shall be taken to ensure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.

8. The Designated Disposal Areas shall be maintained and operated so as to maximize infiltration and to minimize salinity increases in groundwater.

C. Special Provisions

1. **Groundwater Investigation**. Within 90 days of the adoption of this Order, the Discharger shall submit, for Colorado River Basin Water Board staff review and technical concurrence, a **Groundwater Investigation Work Plan** and Time Schedule.

   a. The work plan shall propose activities to achieve the following technical objectives:

      i. Determine background water quality;

      ii. Determine local groundwater elevation gradient;

      iii. Determine whether there is any perched groundwater underlying the designated disposal areas;

      iv. Determine whether the designated disposal areas have affected groundwater underneath the Facility;

      v. Determine whether there is a significant amount of mounding of groundwater underneath the Facility; and

      vi. Determine whether the PCC Ponds are discharging wastewater to groundwater.

   b. Proposed activities may include one-time borings or the construction of permanent groundwater monitoring wells.

c. In the event that Colorado River Basin Water Board staff do not concur that the Groundwater Investigation Work Plan is sufficient to achieve the technical objectives specified above (and so notify the Discharger in writing), the Discharger shall submit a **revised work plan or supplement** addressing staff concerns within 30 days of the written notice of non-concurrence.

d. The Discharger shall commence implementation of its Groundwater Investigation Work Plan within 30 days of written concurrence. Colorado River Basin Water Board staff.

e. Within one year of the adoption of this Order, the Discharger shall submit a **Groundwater Investigation Summary Report** summarizing the results.

2. **Groundwater Monitoring Network Work Plan**. Within one year of the adoption of this Order, the Discharger shall submit, for Colorado River Basin Water Board staff review and concurrence, a Groundwater Monitoring Network Work Plan with proposed locations for groundwater monitoring wells both upgradient and downgradient of existing designated disposal areas.

3. **Infiltration Study**. Within two years of the adoption of this Order, the Discharger shall submit an Infiltration Study with determinations as to the following:

a. Within two years of the adoption of this Order, the Discharger shall submit an Infiltration Study Work Plan for Executive Officer approval. The Infiltration Study Work Plan shall contain the following:

i. Calculated or estimated surface areas of the PCC Ponds, Disposal Basins and Holding Pond;

ii. Proposed methods for determining infiltration rates for each impoundment, provided that the investigative methods[17] are capable of generating a meaningful estimate for the annual

[17] For the Disposal Basins and PCC Ponds, the proposed method may incorporate collecting samples or installing sensors at a representative location within one of each set of impoundments.

volume of wastewater infiltration from each impoundment; and

iii. A Time Schedule for conducting the proposed activities (including a submittal date for an Infiltration Study Summary Report, discussed below).[18]

b. The Discharger shall commence implementation of the proposed activities within six months of Executive Officer approval of the Infiltration Study Work Plan.

c. The Discharger shall submit an Infiltration Study Summary Report in accordance with the deadline specified in time schedule approved by the Executive Officer. The Infiltration Study Summary Report shall contain the following:

i. The results of all investigative activities proposed in the Infiltration Study Work Plan;

ii. Calculated infiltration rates for each PCC Pond, each Disposal Basin and the Holding Pond; and

iii. The estimated total annual volume of wastewater infiltration from the PCC Ponds, Disposal Basins and the Holding Pond.

4. **Interim Precipitated Calcium Carbonate Waste Pile Management Plan**. Within 180 days of the adoption of this Order, the Discharger shall submit an Interim Precipitated Calcium Carbonate Waste Pile Management Plan. The plan shall include current and proposed management practices to:

a. Prevent slope failures on the PCC Waste Pile;

b. Minimize percolation of rainwater through the PCC Waste Pile;

c. Prevent stormwater runoff from PCC Waste Pile; and

[18] The Executive Officer may approve the Time Schedule with any necessary and appropriate revisions to ensure completion of the Infiltration Study within a reasonable time.

d. Avoid/mitigate any potential nuisance conditions arising from the PCC Waste Pile.

5. **Long Term Precipitated Calcium Carbonate Waste Pile Disposal Plan**.

a. The PCC Waste Pile shall not increase in volume, as determined over a rolling five-year period.

b. Within 10 years of the adoption of this Order, the PCC Waste Pile shall be reduced in volume by at least 10 percent.[19] For subsequent 10-year periods, the PCC Waste Pile shall instead be reduced by 15 percent.[20]

c. The PCC Waste Pile shall be removed within 15 years of the end of sugar beet processing activities at the Facility. Alternatively, the remaining PCC Waste Pile may be "closed" as a landfill waste management unit in accordance with California Code of Regulations, title 27.[21]

6. **Discharge Flow Measurement**

a. Within three months of the adoption of this Order, the Discharger shall provide a flow measurement/calculation methodology and water balance that demonstrates how the discharge flow to the Disposal Basins and Holding Pond are quantified.

b. If producing a discharge flow calculation for is impractical or infeasible, within six months of the adoption of this Order, the Discharger shall install a flow meter at or before the discharge point to the first Disposal Basin, and another flow meter prior to each

[19] Percentage reductions relative to the PCC Waste Pile volume as of the date of this Order's adoption.

[20] In the event that the Discharger exceeds its reduction requirement for given 10-year period, the additional reduction will be credited toward satisfying the reduction requirement for the following 10-year period.

[21] Rescission of the Facility's WDRs shall be conditioned on compliance with this provision, notwithstanding the cessation of wastewater discharges from the Facility.

discharge point into the Holding Pond. Flow monitoring shall commence within 30 days of meter installation.

7. **Stormwater Coverage.** Within three months of adoption of this Order, the Discharger shall submit either:

   a. A Notice of Intent (NOI) to obtain coverage under an appropriate stormwater permit; or

      i. If obtaining coverage under a stormwater permit, the Discharger will be responsible for all requirements under that permit.

      ii. If enrolled under the Industrial General Permit, the requirements that shall be implemented may include but are not limited to the following: the implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to achieve performance standards, as well as the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. The SWPPP identifies the site-specific sources of pollutants and describes the best management practices implemented at the facility to prevent dry weather runoff and to reduce pollutants in storm water discharges.

   b. A notice of non-applicability (NONA) that specifies the basis for not needing to obtain coverage (i.e., claiming “No Discharge”).

      i. For the purpose of the NONA, the Entity (Entities) is referring to the person(s) defined in section 13399.30 of the Water Code.

      ii. Entities who are claiming “No Discharge” through the NONA shall meet the following eligibility requirements:

         (A) The facility is engineered and constructed to have contained the maximum historic precipitation event (or series of events) using the precipitation data collected from the National Oceanic and Atmospheric Agency’s website (or other nearby precipitation data available from other government agencies) so that there will be no discharge of industrial storm water to waters of the United States; or

(B) The facility is located in basins or other physical locations that are not hydrologically connected to waters of the United States. 3.

iii. When claiming the "No Discharge" option, Entities shall submit and certify via Stormwater Multiple Application and Report Tracking System (SMARTS) both the NONA and a No Discharge Technical Report. The No Discharge Technical Report shall demonstrate the facility meets the eligibility requirements described above.

iv. The No Discharge Technical Report shall be signed (wet signature and license number) by a California licensed professional engineer.

8. **Request for Extension.** If the Discharger is unable to timely comply with any of the deadlines in the Special Provisions, the Discharger may request an extension from the Regional Water Board's Executive Officer. The extension request must be submitted in writing as soon as a delay is recognized and prior to the compliance date. The extension request should include justification for the delay. The request must be approved by the Executive Officer in writing.

D. Other Provisions

1. **Electronic Submittals**. Reports shall be submitted electronically via the GeoTracker Database (https://geotracker.waterboards.ca.gov), and in the appropriate Microsoft Office software application format, such as Word or Excel files, or as a Portable Document Format (PDF) file. Large documents must be split into appropriately-labelled, manageable file sizes and uploaded into GeoTracker. After uploading, the Discharger shall notify Board staff via email to RB7_WDRs_paperless@waterboards.ca.gov, or another address specified by staff. The following information shall be included in the body of the email:

Attention:	Land Disposal Unit
Report Title:	[Report Title]
Upload ID:	[Number]
Facility:	Spreckels Sugar Beet Processing Facility, Brawley
County:	Imperial County
GeoTracker ID:	[Number]

2. **Technical Reports**. The following requirements are applicable to Technical Reports[22] submitted under the Waste Discharge Requirements Order or the Morning and Reporting Program.

   a. The Technical Report shall be prepared by, or under the direct supervision of, a California-licensed civil engineer or engineering geologist that is competent and proficient in the field and subject matter of the submittal (Qualified Professional).

   b. The Technical Report shall be signed and stamped by the Qualified Professional.

   c. The Technical Report shall include a brief summary of the Qualified Professional's qualifications.

3. **Certifications**. All submittals (including non-Technical Reports) shall be accompanied by the certification language below, signed under penalty by a Senior Vice President or equivalent principal executive (Required Signatory) or their Authorized Representative of perjury.

   To act as an Authorized Representative for a Required Signatory, an individual must be identified[23] and duly authorized in writing by the Required Signatory; this written authorization shall be provided to the Board beforehand, or concurrently with the first submittal signed by the Authorized Representative.

   I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

---

[22] Technical reports are those that contain work plans, describe the conduct of investigations and studies, or contain technical conclusions and recommendations concerning engineering and/or geology.

[23] This identification may be in reference to the Authorized Representative's title or position, provided it is one that customarily has the responsibility of supervising a facility's overall operation (e.g., facility manager, superintendent).

4. **Proper Operation and Maintenance**. The Discharger shall at all times properly operate and maintain all systems and components of collection, treatment, and control installed or used by the Discharger to achieve compliance with this Order.[24] All systems in service or reserved shall be inspected and maintained on a regular basis. Records of inspections and maintenance shall be retained and made available to the Board on request.

5. **Prevention and Mitigation of Violations**. The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment.

6. **Disposal Capacity**. The Discharger shall provide a report to the Colorado River Basin Water Board when it determines that the Facility's average dry-weather flow rate for any month exceeds 80 percent of the design disposal capacity. The report shall indicate what steps, if any, the Discharger intends to take to provide for the expected wastewater disposal capacity necessary when the plant reaches design capacity.

7. **Onsite Materials**. The following materials shall be kept onsite at the Facility, and shall be familiar to operating personnel:

    a. This Order and all attachments thereto;

    b. The operative Monitoring and Reporting Program (including subsequent revisions);

    c. All technical reports and other documents[25] submitted to the Colorado River Water Board within the last five years.[26]

8. **Changes in Facility Ownership or Operators**.

---

[24] Proper operation and maintenance include the following: effective performance; adequate process controls; and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities/systems when necessary to achieve compliance with this Order.

[25] This category of records may be maintained electronically.

[26] This period may be extended by the Executive Officer in writing.

a. Prior to any changes in Facility ownership, or any changes in operators (including parties responsible for performing activities to comply with this Order), the Discharger shall notify (in writing) the prospective owners or operators of the existence of this Order and the operative Monitoring and Reporting Program. Copies of this written notification shall be provided to the Board.

b. At least 30 days prior to the effective date of the transfer, the Discharger shall notify the Board of the effective date, and submit a signed statement by the new parties, affirming that they will comply with this Order and the operative Monitoring and Reporting Program as of the transfer date.

c. To assume ownership or operation under regulatory coverage of this Order, the new owner or operator shall apply in writing to the Board requesting transfer of coverage within 14 days of assuming ownership or responsibility for operation. The request shall contain the applicant's full legal name; place of incorporation (if corporation); names, addresses and telephone numbers of designated contact persons, and a signed statement affirming that the new owner or operator assumes full responsibility for compliance with this Order and the operative Monitoring and Reporting Program.[27]

LIST OF ATTACHMENTS

Attachment A—Vicinity Map
Attachment B—Facility Layout
Attachment C—Process Flow Diagram

Monitoring and Reporting Program R7-2023-0001 (separate document)

ENFORCEMENT

If, in the opinion of the Executive Officer, the Dischargers fail 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,

---

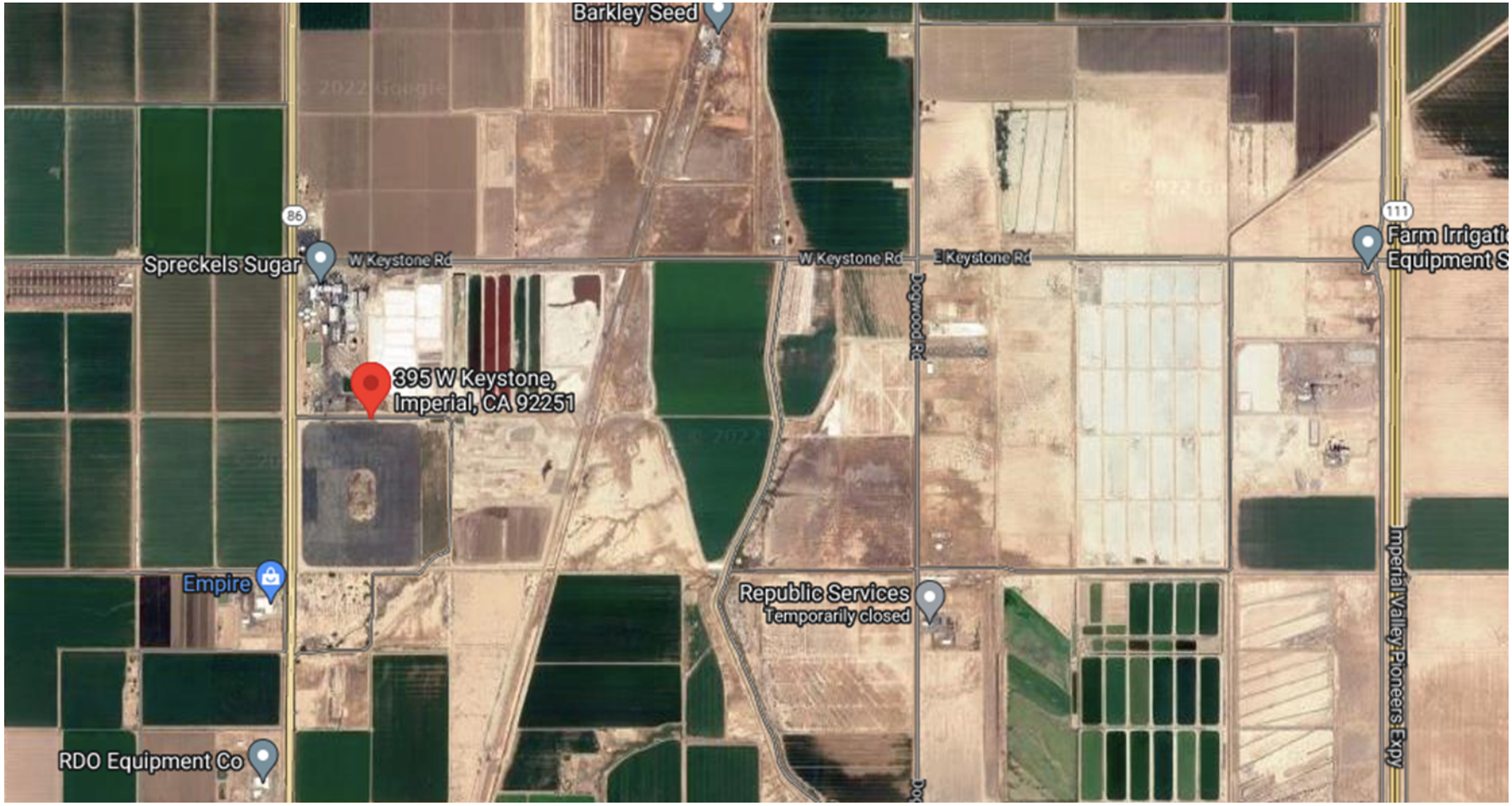
[27] Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code.

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 Colorado River Basin Water Board reserves its right to take any enforcement actions authorized by law.

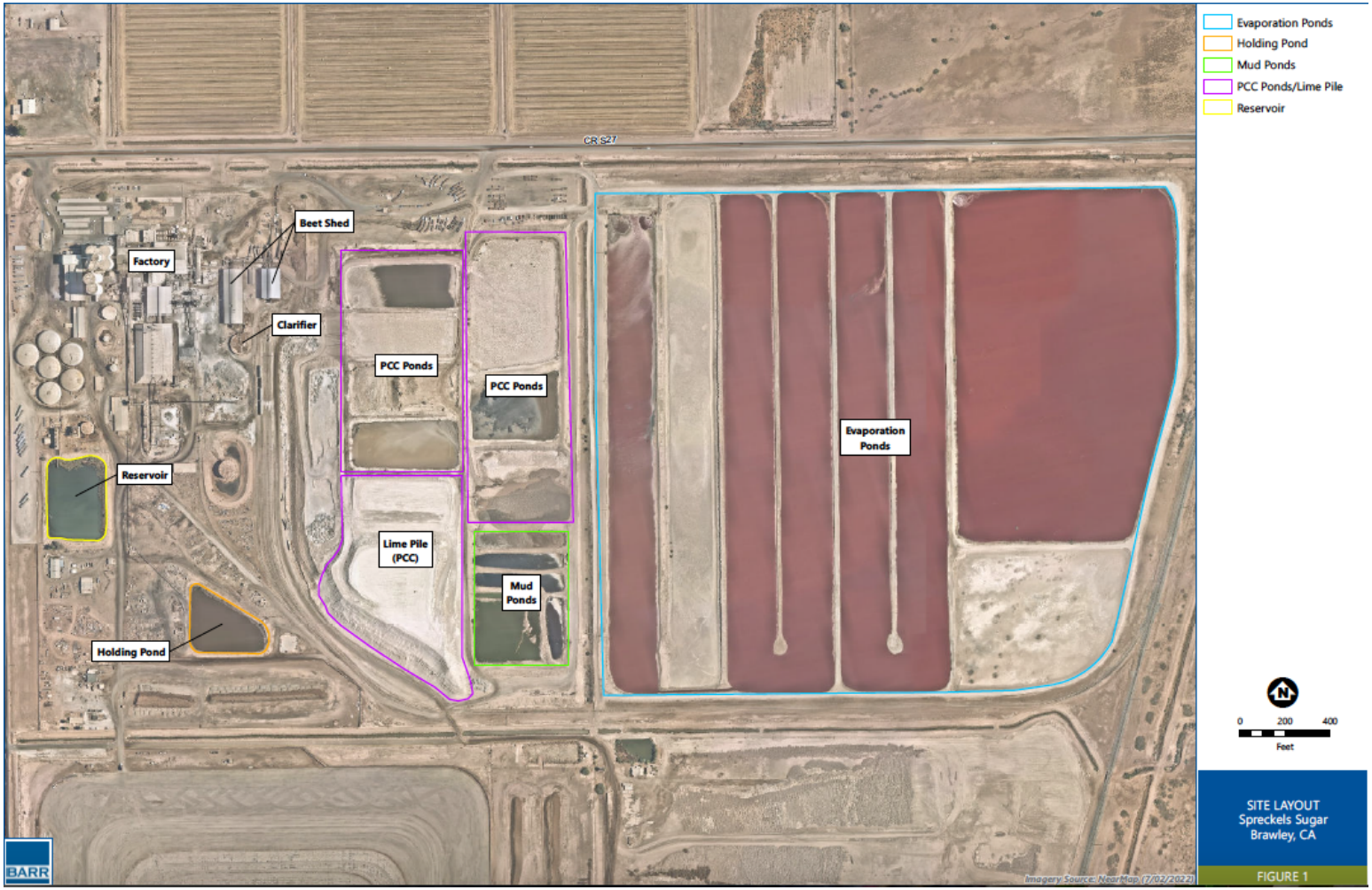
ADMINISTRATIVE REVIEW

Any person aggrieved by this Colorado River Basin 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. To be timely, the petition must be received by the State Water Board by 5:00 pm 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 pm on the next business day. The law and regulations applicable to filing petitions are available on the State Water Board website (http://www.waterboards.ca.gov/public_notices/petitions/water_quality). Copies will also be provided upon request.

ATTACHMENT A—VICINITY MAP



ATTACHMENT B—FACILITY LAYOUT



ATTACHMENT C—PROCESS FLOW DIAGRAM