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WASTE DISCHARGE REQUIREMENTS ORDER R5-2021-0029



ORDER INFORMATION

Order Type(s):	Waste Discharge Requirements (WDRs)
Status:	ADOPTED
Program:	Non-15 Discharges to Land
Region 5 Office:	Fresno
Discharger(s):	Grimmway Enterprises, Inc. and Minter Field Airport District
Facility:	Shafter Carrot Packing Plant
Address:	6301 Zerker Road, Shafter, CA 93312
County:	Kern County
Prior Order(s):	R5-2015-0057 and 86-159

CERTIFICATION

I, PATRICK PULUPA, 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, Central Valley Region, on 22 April 2021.

PATRICK PULUPA,
Executive Officer

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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 Tulare Lake Basin
bgs	Below Ground Surface
BOD_[5]	[Five-Day] Biochemical Oxygen Demand at 20 Celsius
BPTC	Best Practicable Treatment and Control
CEQA	California Environmental Quality Act, Public Resources Code section 21000 et seq.
CEQA Guidelines	California Code of Regulations, Title 14, section 15000 et seq.
C.F.R.	Code of Federal Regulations
COC[s]	Constituent[s] of Concern
DDW	State Water Resources Control Board, Division of Drinking water
DO	Dissolved Oxygen
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EC	Electrical Conductivity
EIR	Environmental Impact Report
FDS	Fixed Dissolved Solids
FEMA	Federal Emergency Management Agency
LAA	Land Application Area
lbs/ac/yr	Pounds per Acre per Year
µg/L	Micrograms per Liter
µmhos/cm	Micromhos per Centimeter
MG[D]	Million Gallons [per Day]
mg/L	Milligrams per Liter
msl	Mean Sea Level
MRP	Monitoring and Reporting Program

MW	Monitoring Well
MCL	Maximum Contaminant Level per Title 22
mgd	million gallons per day
MDB&M	Mount Diablo Base and Meridian
mJ/cm²	Millijoules per Square Centimeter
ORP	Oxygen Reduction Potential
N	Nitrogen
ND	Non-Detect
NE	Not Established
NM	Not Monitored
Recycled Water Policy	<i>Policy for Water Quality Control for Recycled Water, State Water Board Resolution 2009-0011, as amended per Resolutions 2013-0003 and 2018-0057</i>
R[O]WD	Report of Waste Discharge
RCRA	Resource Conservation and Recovery Act
SPRRs	Standard Provisions and Reporting Requirements
SERC	State Emergency Response Commission
TDS	Total Dissolved 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
TKN	Total Kjeldahl Nitrogen
Unified Guidance	Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance (USEPA, 2009)
USEPA	United States Environmental Protection Agency
VOC[s]	Volatile Organic Compound[s]
WDRs	Waste Discharge Requirements
WQO[s]	Water Quality Objective[s]

FINDINGS

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) hereby finds as follows:

Introduction

1. Grimmway Enterprises, Inc. (Grimmway) owns and operates the Shafter Carrot Packing Plant (Facility), which is at 6301 South Zerker Road in Shafter. The Shafter Airport Wastewater Treatment Facility (WWTF) ponds and land application area (LAA) are located at 201 Aviation Street in Shafter and are owned by the Minter Field Airport District (Airport District), but operated by Grimmway Enterprises, Inc. Hereafter, these two entities (Grimmway and Airport District) are collectively referred to as the Discharger. The Facility is within Section 15, T28S, R26E, MDB&M (35.4934°, -119.1662°). The Facility's location is depicted in **Attachment A** (Site Map) and **Attachment B** (Facility Map). The Land Application Area (LAA) is depicted in **Attachment A** and **Attachment C** (Land Application Area Map).
2. The Facility is at Assessor Parcel Numbers (APN) 091-090-18-01-3. The LAA consists of fields around the Minter Field Airport District's Shafter Airport and are planted with a rotation of winter wheat and sudangrass. The crops are irrigated by spray irrigation. The Shafter Airport WWTF ponds and LAA is at APN 091-040-75-00-4.
3. As the owner and/or operator of the Facility, Shafter Airport WWTF ponds, and LAA, the Discharger is responsible for compliance with the Waste Discharge Requirements (WDRs) prescribed in this Order.
4. The following materials are attached and incorporated as part of this Order:
 - a. Attachment A—Site Map
 - b. Attachment B—Facility Map
 - c. Attachment C—Land Application Area Map
 - d. Attachment D—Process Flow Diagram
 - e. Standard Provisions & Reporting Requirements dated 1 March 1991 (SPRRs)
 - f. Information Sheet

5. Also attached is **Monitoring and Reporting Program R5-2021-0029 (MRP)**, which requires monitoring and reporting for the discharge regulated under these WDRs.

Regulatory History

6. WDRs Order R5-2015-0057, adopted by the Central Valley Water Board on 17 April 2015, prescribed waste discharge requirements for the Facility to discharge process wastewater to the North Kern Water Storage District's Rosedale groundwater recharge area spreading basins and land application area. Order R5-2015-0057 authorized a monthly average discharge of 0.700 mgd and a total annual discharge of 182 million. The discharge to the Kern Spreading Basin LAA's never occurred due to the agreement falling through. Instead, Grimmway continued to discharge to ponds at the Shafter Airport WWTF as was previously authorized by the rescinded WDRs Order 5-01-140 for the Grimmway Facility.
7. WDRs Order 86-159, adopted by the Central Valley Water Board on 8 August 1986, regulates the discharge of combined domestic and industrial wastewater to the Shafter Airport WWTF. WDRs Order 86-159 describes the Shafter Airport WWTF as consisting of a primary clarifier, two trickling filters, two secondary clarifiers, a sludge digester, and ten oxidation ponds. In 2015 the Airport District ceased the discharge of sanitary wastewater to its WWTF and began discharging its domestic wastewater to the North of River WWTF (regulated by WDRs Order R5-2009-0088). These WDRs do not authorize the discharge of domestic wastewater to the Shafter Airport WWTF. Therefore, it's appropriate to rescind WDRs Order 86-159.
8. On 20 August 2019, the Discharger submitted a Report of Waste Discharge (RWD) for operations at its Facility and a change in discharge location for its flow of 0.700 mgd (182 million gallons per year) to five of the Shafter Airport WWTF ponds and a 291.9-acre land application area (LAA) owned by the Airport District. The WDRs for the Facility are being updated to ensure the discharge is consistent with water quality plans and policies and to reflect changes to the discharge location. WDRs Orders R5-2015-0057 and 86-159 will be rescinded and replaced with this Order.

Existing Facility and Discharge

9. Grimmway processes and packs fresh whole carrots at the Facility. The existing Facility includes office buildings, truck parking, truck unloading, carrot washing

facilities, carrot packing facilities, a storm water basin, and a system of unlined process wastewater ponds.

10. Carrots are delivered in trailers, which are parked in soaker sheds. The soaker sheds are equipped with spray nozzles and the carrots are rinsed with fresh well water while waiting to be processed. After the soaker sheds, carrots are flushed from the trailers using recycled process water at the truck washout area. Carrots are moved from the truck washout area to the packing shed via a conveyor belt. Carrots pass through a cleaning station consisting of brushes and fresh chlorinated water before moving through a hydro-cooling process where they are rinsed with chlorinated water before being moved indoors for sorting and packaging. Process wastewater is either recirculated to the truck unloading area or discharged to settling ponds. Attachment D is a process flow diagram for the Facility and its discharge.
11. All process wastewater first flows into the pre-recycle settling ponds (Pond-001, Pond-002, or Pond-003) then to the recycle pond where the process wastewater is either reused as mentioned above or flows through the remaining settling ponds (Pond-005, Pond-006, or Pond-007) before discharge to the Shafter Airport WWTF ponds. The Facility ponds are equipped with valves, which can be used to change the pond configuration as required by operational and maintenance needs. An effluent pump controls the water level in the final pond.
12. The Facility's domestic wastewater is managed separately from all process wastewater and storm water. Domestic wastewater is discharged into the City of Shafter collection system, which is then pumped to the North of River Sanitary District and Sills Property (regulated by WDRs Order R5-2009-0088), about 10 miles southwest of the Facility.
13. Source water for the Facility is provided by an onsite well, which was completed to a depth of 1,006 feet bgs. The results of quarterly source water monitoring for the period 2017 through 2019 is shown in Table 1 below. The source water is of relatively poor quality with respect to salinity.

Table 1 - Source Water Characterization (2017 – 2019)

Parameter	Average	Minimum	Maximum
EC (µmhos/cm)	1,508	650	2,240
Boron (µg/L)	<0.1	<0.1	0.11
Chloride (mg/L)	266	241	296
Hardness (mg/L)	154	132	182
Nitrate (as N) (mg/L)	<0.1	<0.1	<0.5

Sulfate (mg/L)	330	295	388
TDS (mg/L)	968	890	1,060

14. Table 2 below shows the average, minimum, and maximum concentrations of select constituents as a result of monthly monitoring of the Facility's discharge during the period January 2017 through February 2020.

Table 2 - Effluent Characterization (January 2017 – February 2020)

Parameter	Average	Minimum	Maximum
pH (std. units)	7.1	6.5	7.7
EC (µmhos/cm)	2,067	1,779	2,468
BOD (mg/L)	160	90	391
TSS (mg/L)	491	21	1,435
TKN (mg/L)	5	1	17.0
Total N (mg/L)	5	1	17.1
FDS (mg/L)	1,126	870	1,700
TDS (mg/L)	1,388	1,160	1,840

15. The 2019 RWD requested the Facility retain the flow limits authorized in WDRs Order R5-2015-0057 of 0.700 mgd and an annual maximum flow limit of 182 million gallons. Table 3 below shows the monthly average daily flow and annual flow for the period 2017 through 2019.

Table 3 - Projected Daily and Monthly Flow (Gallons)

Month	2017	2018	2019
January	377,120	480,470	523,120
February	364,360	278,800	494,800
March	373,980	372,010	540,560
April	309,630	298,240	413,040
May	250,460	301,530	420,700
June	294,160	423,900	401,050
July	295,280	422,750	425,910
August	368,870	495,370	495,370
September	300,210	382,720	505,600
October	420,660	571,260	571,260
November	359,920	441,260	435,710
December	346,250	501,870	502,900
Annual Total	121,827,000	149,105,400	171,900,600

16. The 2019 RWD states that all stormwater from the Facility is collected in an onsite storm water sump, which is sized to contain runoff from a 100-year return storm event.

Changes to Facility

17. As discussed above, the 2019 RWD proposed no changes to the operations at the Facility but does propose to continue its discharge to the five ponds at the Shafter Airport WWTF and initiate a new discharge to a 291.9-acre LAA owned by the Airport District. Central Valley Water Board staff observed that the Discharger was discharging to the LAA during a 15 January 2020 inspection.

Land Application Area (LAA)

18. The 291.9-acre LAA mentioned above is divided into six fields. The Airport District owns the LAA, but Grimmway is responsible for the LAA operations. The LAA is irrigated via sprinkler irrigation and is planted with a sudangrass/winter wheat rotation.
19. A nitrogen balance was submitted as part of the 2019 RWD. The nitrogen balance indicates the LAA will be planted with a winter wheat–sudangrass rotation. The 2019 RWD estimated the crop uptake for the winter wheat-Sudan grass rotation is 270 lbs/acre/year. The projected annual loading rates in Table 4 below were calculated by Central Valley Water Board staff using reported process wastewater concentrations, assuming even application over the entire LAA, and assuming the discharge of the maximum permitted annual flow (182 million gallons per year). Based on the projected total nitrogen loading and estimated crop uptake, the discharge of wastewater to the LAA will not exceed the crops' nutrient uptake rates. However, the salt loading rates (FDS) is high.

Table 4 - Projected Annual LAA Loading Rates

Acres	Flow (MG)	Total N (lbs/ac/year)	FDS (lbs/ac/year)
291.9	182	34	6,393

20. The RWD provides a water balance for the LAA during both a 30 and 100-year return precipitation year at the maximum permitted annual flow rate of 182 million gallons per year. The water balance is designed to control percolation losses below the root zone for efficient nutrient removal. The water balance concludes that during 30-year return precipitation years, 154.3 acres would be needed for irrigation during winter months and 59.2 acres during summer months. During

100-year return precipitation years, 239.1 acres would be required for winter irrigation and 59.2 acres for summer irrigation. Under both scenarios the Discharger has sufficient area to dispose of its wastewater.

21. Based on the information presented in the August 2019 RWD, proposed BOD loading rates appear to be low. Using the acreage identified above for a 30-year return precipitation year (154 acres of winter wheat and 59 acres of Sudan grass), the average BOD loading would be approximately 6.8 pounds per acre per day at the maximum flow rate of 182 million gallons per year.
22. Solids removed by the Facility consist of culls and organic debris collected at the 1/8-inch mesh screen as well as soil washed off from the carrots that settle in the settling ponds. The organic material removed from the mesh screen is hauled directly offsite with no storage at the Facility and reused as cattle/animal feed by contracted farmer(s). Solids removed from the setting ponds consist of sand and silt material that are used as fill material at construction sites. Sand and silt removed from the settling ponds are dried at the Facility prior to being hauled offsite.

Site-Specific Conditions

23. Soil in the vicinity of the Facility and LAA consist of Lewkalb sandy loam, Driver sandy loam and Wasco Sandy loam according the United States Department of Agriculture, Natural Resources Conservation Service soil survey maps. These soils are described as nonsaline to slightly saline, relatively shallow to very deep, well drained, and moderately rapidly permeable. The land capability classification for these soils for irrigation is II-s, which has little or no restrictions on cultivation.
24. The climate is arid, with hot summers and mild winters. The rainy season generally extends from November through March. Occasional rains occur during the spring and fall months, but summer months are dry.
25. Average annual precipitation and evaporation (Class "A" pan) in the area are about 6.0 inches and 64.8 inches, respectively, according to information published by the California Department of Water Resources (DWR). The California Irrigation Management Information System (CIMIS) database reports an annual average potential evapotranspiration of 57 inches for Shafter. The water balance included in the RWD references a 100-year return period precipitation of 13.6 inches.
26. According to National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Atlas 14, Vol. 6 (rev. 2014), 100-year and 1,000-year,

24-hour rainfall events are estimated to result in 3.04 and 4.66 inches of precipitation, respectively.¹

27. According to the Federal Emergency Management Agency's (FEMA) [Flood Insurance Rate Map](https://msc.fema.gov/portal) (<https://msc.fema.gov/portal>), neither the Facility nor the LAA is located within a 100-year floodplain.
28. The DWR Land Use Viewer mapping application shows that land in the vicinity of the LAA is used for growing deciduous fruits and nuts, grapes, and used as pastureland.

Groundwater Conditions

29. According to the [California DWR SGMA Data Viewer](https://sgma.water.ca.gov/webgis?appid=SGMADataViewer#gwlevels) (<https://sgma.water.ca.gov/webgis?appid=SGMADataViewer#gwlevels>), depth to groundwater in the vicinity of the Facility is approximately 380 feet below ground surface (bgs), while groundwater underlying the 291.9-acre LAA is approximately 360 feet bgs. Regional groundwater flow in the area is generally to the northwest.
30. Regional groundwater quality data can be found on the [Water Quality Portal website](https://www.waterqualitydata.us/portal/) (<https://www.waterqualitydata.us/portal/>), a cooperative service provided by the United State Geological Survey (USGS), the Environmental Protection Agency, and the National Water Quality Monitoring Council. A search of the Water Quality Portal found nine wells within two miles of the LAA, Table 5 below provides an average and range for select groundwater constituents from these wells.

Table 5 - Regional Groundwater Quality

Constituent	Units	Average	Range
Depth	Feet	658	420 - 759
Nitrate (as N)	mg/l	8.8	2.48 - 15.4
EC	µmhos/cm	864.6	330 - 1,790
pH	std units	7.5	7 - 8
Magnesium	mg/l	6.7	4.4 - 9.6
Sodium	mg/l	82.9	27 - 190
Chloride	mg/l	110.8	34 - 310
Sulfate	mg/l	158.0	28 - 300
Boron	µg/L	50.0	50 - 50

¹ Source: [NOAA Precipitation Frequency Data Server](https://hdsc.nws.noaa.gov/hdsc/pfds) (<https://hdsc.nws.noaa.gov/hdsc/pfds>)

Constituent	Units	Average	Range
Iron	µg/L	100.0	100 - 100
TDS	mg/l	546.4	211 - 1080

Legal Authorities

31. This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides in pertinent part 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..., 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 reasonable required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.

32. Compliance with section 13263, subdivision (a), including implementation of applicable water quality control plans, is discussed in the findings below.
33. The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste. (Wat. Code, § 13263, subd. (g).)
34. This Order and its associated Monitoring and Reporting Program (MRP) are also adopted 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 ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of 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.

35. The reports required under this Order, as well as under the separately issued MRP, are necessary to verify and ensure compliance with WDRs. The burden associated with such reports is reasonable relative to the need for their submission.

Basin Plan Implementation

36. Pursuant to Water Code section 13263, subdivision (a), WDRs must “implement any relevant water quality control plans..., 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.”
37. This Order implements the Central Valley Water Board’s Water Quality Control Plan for the Tulare Lake Basin (Basin Plan), which designates beneficial uses for surface water and groundwater and establishes water quality objectives (WQOs) necessary to preserve such beneficial uses. (See Wat. Code, § 13241 et seq.)
38. Local surface drainage is to Valley Floor Waters as designated in the Basin Plan. The beneficial uses of Valley Floor Waters within the subject hydrologic area (North Kern Hydrologic Area No. 558.80) include the following: agricultural supply (AGR); industrial service supply (IND); industrial process supply (PRO); water contact recreation (REC-1); non-water contact recreation (REC-2); warm freshwater habitat (WARM); wildlife habitat (WILD); groundwater recharge (GWR); and preservation and enhancement of rare, threatened, and endangered species (RARE).
39. Per the Basin Plan, beneficial uses of underlying groundwater at the Facility and LAA are as follows: municipal and domestic supply (MUN); agricultural supply (AGR); industrial service supply (IND); industrial process supply (PRO); water contact recreation (REC-1), and wildlife habitat (WILD).
40. The Basin Plan establishes narrative WQO’s for chemical constituents, taste and odors, and toxicity in groundwater. The toxicity objective, in summary, requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life associated with designated beneficial uses.
41. The Basin Plan’s narrative WQO’s for chemical constituents require MUN-designated water to at least meet the MCLs specified in California Code of Regulations, title 22 (Title 22). The Basin Plan recognizes that the Central Valley Water Board may apply limits more stringent than MCLs to ensure that waters do

not contain chemical constituents in concentrations that adversely affect beneficial uses.

42. The narrative WQO for toxicity provides that groundwater shall be maintained free of toxic substances in concentrations producing detrimental physiological responses in human, animal, plant or aquatic life associated with designated beneficial uses.
43. Quantifying a narrative WQO requires a site-specific evaluation of those constituents that have the potential to impact water quality and beneficial uses. The Basin Plan states that when compliance with a narrative objective is required to protect specific beneficial uses, the Central Valley Water Board will, on a case-by-case basis, adopt numerical limitations to implement the narrative objective.
44. In the absence of specific numerical water quality limits, the Basin Plan methodology is to consider any relevant published criteria. General salt tolerance guidelines, such as *Water Quality of Agriculture* by Ayers and Westcot and similar references indicate that yield reductions in nearly all crops are not evident when irrigation water has an electrical conductivity (EC) of less than 700 $\mu\text{mhos/cm}$. There is, however, an eight- to ten-fold range in salt tolerance for agricultural crops and the appropriate salinity values to protect agriculture in the Central Valley are considered on a case-by-case basis. It is possible to achieve full yield potential with groundwater EC up to 3,000 $\mu\text{mhos/cm}$, if the proper leaching fraction is provided to maintain soil salinity within the tolerance of the crop.

Salt and Nitrate Control Programs Reopener

45. The Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. The Basin Plan Amendments were conditionally approved by the State Water Board on 16 October 2019 and the Office of Administrative Law on 15 January 2020.
 - a. For nitrate, dischargers that are unable to comply with stringent nitrate requirements will be required to take on alternate compliance approaches that involve providing replacement drinking water to persons whose drinking water is affected by nitrates. Dischargers could comply with the new nitrate program either individually or collectively with other dischargers. For the Nitrate Control Program, the Facility falls within Groundwater Sub-Basin 5-22.14 (Kern County - Poso), a Priority 2 Basin.

Notices to Comply for Priority 2 Basins will be issued within two to four years after the effective date of the Nitrate Control Program.

- b. For the Salt Control Program, the Discharger was issued a Notice to Comply (CV-SALTS ID 2395) with instructions and obligations for the Salt Control Program on 5 January 2021. Upon receipt of the Notice to Comply, the Discharger must submit a Notice of Intent by **15 July 2021** informing the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting). Dischargers that are unable to comply with stringent salinity requirements for EC of 700 $\mu\text{mhos/cm}$ to protect AGR beneficial uses or 900 $\mu\text{mhos/cm}$ to protect MUN beneficial uses will need to meet performance-based requirements and participate in a basin-wide planning effort to develop a long-term salinity strategy for the Central Valley (i.e., participate in the Priority and Optimization Study per Option 2).

As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of these WDRs to ensure the goals of the Salt and Nitrate Control Programs are met.

46. This Order may be amended or modified to incorporate any newly applicable requirements.

Antidegradation Policy

47. The *Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Water Board Resolution 68-16 (Antidegradation Policy), which is incorporated as part of the Basin Plan, prohibits the Central Valley Water Board from authorizing degradation of “high quality waters” unless it is shown that such degradation: (1) will be consistent with the maximum benefit to the people of California; (2) will not unreasonably affect beneficial uses, or otherwise result in water quality less than as prescribed in applicable policies; and (3) is minimized through the discharger’s best practicable treatment or control (BPTC).
48. Given the unavailability of pre-1968 water quality information, compliance with the Antidegradation Policy will be determined based on existing background water quality (Antidegradation Baseline).
49. Constituents of concern (COCs) that have the potential to degrade groundwater include nutrients, salts, and organics. Effluent concentrations are summarized in Finding 14, Table 2. Nutrient and salt loading rates are summarized in Finding 19, Table 4.

- a. **Nitrate.** The estimated annual total nitrogen loading rate to the LAA will be approximately 33 lbs/ac/year. According to the August 2019 RWD, the crops grown on the LAA consist of a wheat-Sudan grass rotation, with an estimated nitrogen uptake rate of 270 lbs/acre/year. Therefore, the proposed nitrogen loadings will not exceed, nor threaten to exceed, the proposed crop uptakes. This Order includes a Land Application Area Specification requiring the Discharger to apply wastewater at agronomic rates, specifically stating that the annual nutritive loading of the LAA shall not exceed the annual crop demand.
 - b. **Salinity.** For salinity, this Order carries over the 12-month rolling average EC limit requiring the discharge to not exceed the 12-month flow-weighted average EC of the source water plus 700 $\mu\text{mhos/cm}$. Table 1 (Finding 13) shows the average source water EC was 1,508 $\mu\text{mhos/cm}$ for 2017 through 2019, and Table 2 (Finding 14) shows the average effluent EC was 2,067 $\mu\text{mhos/cm}$ for the same period. The difference between the two averages for 2017 through 2019 was 559 $\mu\text{mhos/cm}$.
50. The Discharger implements, or will implement, as required by this Order, the following BPTC measures:
- a. Segregation of domestic wastewater from industrial wastewater;
 - b. Wastewater reuse;
 - c. Wastewater settling basins;
 - d. Appropriate solids management practices;
 - e. Application of wastewater at agronomic rates;
 - f. Implementation of a Salinity Management Plan; and
 - g. Compliance with the Salt and Nitrate Control Programs.
51. The Discharger's implementation of the above-listed BPTC measures will minimize the extent of water quality degradation resulting from the Facility's continued operation.
52. Economic prosperity of valley communities and associated industry is of maximum benefit to the people of the state and, therefore, sufficient reason exists to accommodate growth and limited groundwater degradation around the Facility, provided that the terms of the Basin Plan are met. Degradation of

groundwater by some typical waste constituents released with discharge from the Facility after effective source reduction, treatment and control, and considering the best efforts of the Discharger and magnitude of degradation, is of maximum benefit to the people of the state. The Facility contributes to the economic prosperity of the region by providing employment to 700 employees; by providing incomes for numerous aligned businesses; and by providing a tax base for local and county governments. Economic prosperity of Valley communities and associated industries is of maximum benefit to the people of the state and, therefore, sufficient reason to accommodate growth and limited groundwater degradation provided terms of the Basin Plan are met. Accordingly, to the extent that any degradation occurs as the result of the Facility's continued operation, such degradation is consistent with the maximum interest of the people of the State of California.

53. Based on the foregoing, the adoption of this Order is consistent with the State Water Board's Antidegradation Policy.

California Environmental Quality Act

54. In accordance with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., on 7 October 2014, the City of Shafter adopted a Negative Declaration. On 15 December 2020, the City of Shafter adopted an addendum to the Negative Declaration to cover the use of the LAA. The discharges and other activities authorized under this Order also fall within the scope of the proposed project (as contemplated in the Negative Declaration and Addendum). The Negative Declaration is therefore conclusively presumed compliant with CEQA for use by the Central Valley Water Board as a "responsible agency" under CEQA. (See Cal. Code Regs., tit. 14, § 15162.) Accordingly, no further environmental review is required under CEQA.
55. The issuance of this Order, which prescribes requirements and monitoring of waste discharges at an existing facility, with negligible or no expansion of its existing use, is exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., pursuant to California Code of Regulations, title 14, section 15301 (CEQA Guidelines). The discharges authorized under this Order are substantially within parameters established under prior WDRs, particularly with respect to character and volume of discharges.

Other Regulatory Considerations

56. Pursuant to Water Code section 106.3, subdivision (a), it is “the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” Although this Order is not subject to Water Code section 106.3, as it does not revise, adopt or establish a policy, regulation or grant criterion, (see § 106.3, subd. (b)), it nevertheless promotes the policy by requiring discharges to meet maximum contaminant levels (MCLs) for drinking water, which are designed to protect human health and ensure that water is safe for domestic use.
57. For the purposes of California Code of Regulations, title 23 (Title 23), section 2200, the Facility has a threat-complexity rating of 2-B.
 - a. Threat Category “2” reflects waste discharges that can impair receiving water beneficial uses, cause short-term water quality objective violations, cause secondary drinking water standard violations, and cause nuisances.
 - b. Complexity Category “B” reflects any discharger not included in Category A, with either (1) physical, chemical or biological treatment systems (except for septic systems with subsurface disposal), or (2) any Class II or Class III WMUs.
58. This Order, which prescribes WDRs for discharges of wastewater, is exempt from the prescriptive requirements of California Code of Regulations, title 27 (Title 27), section 20005 et seq. (See Cal. Code Regs., tit. 27, § 20090, subd. (b).).
59. Because all storm water at the Facility is collected onsite, at this time, the Discharger is not required to obtain coverage under the *Statewide General Permit for Storm Water Discharges Associated with Industrial Activities*, State Water Board Order 2014-0057-DWQ, NPDES Permit No. CAS000001 (Industrial General Permit).

Scope of Order

60. This Order is strictly limited in scope to those waste discharges, activities and processes described and expressly authorized herein.
61. Pursuant to Water Code section 13264, subdivision (a), the Discharger is prohibited from initiating the discharge of new wastes (i.e., other than those

described herein), or making material changes to the character, volume and timing of waste discharges authorized herein, without filing a new Report of Waste Discharge (RWD) per Water Code section 13260.

62. Failure to file a new RWD before initiating material changes to the character, volume or timing of discharges authorized herein, shall constitute an independent violation of these WDRs.
63. This Order is also strictly limited in applicability to those individuals and/or entities specifically designated herein as “Discharger,” subject only to the discretion to designate or substitute new parties in accordance with this Order.

Procedural Matters

64. All of the above information, as well as the information contained in the attached Information Sheet (incorporated herein), was considered by the Central Valley Water Board in prescribing the WDRs set forth below.
65. The Discharger, interested agencies and other interested persons were notified of the Central Valley Water Board’s intent to prescribe the WDRs in this Order, and provided an opportunity to submit their written views and recommendations at a public hearing. (See Wat. Code, § 13167.5.)
66. At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.
67. The Central Valley Water Board will review and revise the WDRs in this Order as necessary.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that Order R5-2015-0057 and Order 86-159 are rescinded (except for enforcement purposes); and that the Discharger and their agents, employees and successors shall comply with the following:

A. Discharge Prohibitions

1. Discharge of wastes to surface waters or surface water drainage courses is prohibited.
2. Discharge of waste classified as ‘hazardous’, as defined in the California Code of Regulations, title 22, section 66261.1 et seq., is prohibited.

3. Treatment system bypass of untreated or partially treated waste is prohibited, except as allowed by Standard Provision E.2 of the Standard Provisions and Reporting Requirements for WDRs, 1 March 1991 ed. (SPRRs), which are incorporated herein.
4. Discharge of waste at a location or in a manner different from that described in the Findings herein is prohibited.
5. Discharge of toxic substances into any wastewater treatment system or the disposal field such that biological treatment mechanisms are disrupted is prohibited.
6. Discharge of domestic wastewater to the process wastewater treatment system, Shafter Airport WWTF ponds, and/or the LAA is prohibited.

B. Effluent Limitations

1. The 12-month rolling average EC of the discharge (monitored at EFF-001) shall not exceed the 12-month flow weighted average EC of the source water plus 700 μ mhos/cm. Compliance with this effluent limitation shall be determined monthly.

C. Flow Limitations

1. The wastewater discharge to the LAA shall not exceed the following (monitored at EFF-001):
 - a. A monthly average daily flow of 0.7 million gallons per day, and
 - b. An annual flow of 182 million gallons.

D. Discharge Specifications

1. No waste constituent shall be released, discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of the Groundwater Limitations of this Order.
2. Wastewater treatment, storage, and disposal shall not cause pollution or a nuisance as defined by Water Code section 13050.
3. The Discharger shall operate all systems and equipment to optimize the quality of the discharger.
4. The discharge shall remain within the permitted wastewater ponds, conveyance structures, and the LAA at all times.

5. All conveyance, treatment, storage, and disposal systems shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
6. Objectionable odors shall not be perceivable beyond the limits of the wastewater pond (reservoir) or the LAA at an intensity that creates or threaten to create nuisance conditions.
7. As a means of ensuring compliance with Discharge Specification D.6, the dissolved oxygen (DO) content in the upper one foot of any wastewater treatment or storage pond shall not be less than 1.0 mg/L for three consecutive sampling events. Notwithstanding the DO monitoring frequency specified in the monitoring and reporting program, if the DO in any single pond is below 1.0 mg/L for any single sampling event, the Discharger shall implement daily DO monitoring of that pond until the minimum DO concentration is achieved for at least three consecutive days. If the DO in any single pond is below 1.0 mg/L for three consecutive days, the Discharger shall report the findings to the Central Valley Water Board in accordance with Section B.1 of the SPRRs. The written notification shall include a specific plan to resolve the low DO results within 30 days of the first date of violation.
8. The discharge of process wastewater shall be distributed uniformly on adequate acreage in compliance with the Land Application Area Specifications.
9. The pond and open containment structures shall be managed to prevent breeding of mosquitos or other vectors. Specifically
 - a. An erosion control program shall be implemented to 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.
 - d. The Discharger shall consult and coordinate with the local Mosquito Abatement District to minimize the potential for mosquito breeding as needed to supplement the above measures.
10. The Discharger shall design, construct, operate, and maintain all ponds sufficiently to protect the integrity of containment dams and berms and

prevent overtopping and/or structural failure. The operating freeboard in any pond shall never be less than two feet (measured vertically from the lowest possible point of overflow). As a means of management and to discern compliance with this requirement, the Discharger shall install and maintain in each pond a permanent staff gauge or other suitable measurement device with calibration marks that clearly show the water level at design capacity and enable determination of available operational freeboard.

11. Wastewater treatment, storage, and disposal ponds or structures shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, and ancillary inflow and infiltration during the winter while ensuring continuous compliance with all requirements of this Order. 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.
12. On or about 1 October of each year, available capacity shall at least equal the volume necessary to comply with Discharge Specifications D.10 and D.11.
13. The Discharger shall monitor sludge accumulation in the wastewater treatment/storage ponds annually and shall periodically remove sludge as necessary to maintain adequate storage capacity. Specifically, if the estimated volume of sludge in the reservoir exceeds five percent of the permitted reservoir capacity (or other approved percentage by the Executive Officer), the Discharger shall complete sludge cleanout within 12 months after the date of the estimate.
14. Wastewater contained in any unlined pond shall not have a pH less than 6.0 or greater than 9.0.

E. Groundwater Limitations

1. Release of waste constituents from any treatment unit, storage unit, delivery system or disposal location associated with the Facility shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality, whichever is greater.
 - a. Nitrate as nitrogen of 10 mg/L.
 - b. For constituents identified in Title 22 of the California Code of Regulations, the MCLs quantified therein.

F. Land Application Area Specifications

1. For the purposes of this Order, land application area or LAA refers to the discharge area described in Findings 18 and 19 and shown in Attachment C and any approved modifications to the LAA.
2. Crops shall be grown in the LAA. Crops shall be selected based on nutrient uptake, consumptive use of water, and irrigation requirements to maximize uptake of nutrients.
3. Application of waste constituents to the LAA shall be at reasonable agronomic rates to preclude creation of a nuisance or unreasonable degradation of groundwater, considering crop, soil, climate and irrigation management system. The annual nutritive loading of the LAA, including nutritive value of organic and chemical fertilizers, and the wastewater, shall not exceed the annual crop demand.
4. Hydraulic loading of wastewater an irrigation water shall be at reasonable agronomic rates designed to minimize the percolation of wastewater and irrigation water below the root zone (i.e., deep percolation).
5. The BOD loading to the LAA calculated as a cycle average and as instantaneous load, as determined by the methods described in the attached Monitoring and Reporting Program, shall not exceed 50 pounds per acre per day (lbs/acre/day) and 100 lbs/acre/day, respectively.
6. The resulting effect of the discharge on soil pH shall not exceed the buffering capacity of the soil profile.
7. Land application of wastewater shall be managed to minimize erosion.
8. The Discharger shall not discharge process wastewater to the LAA when soils are saturated (e.g., during or after significant precipitation).
9. Any irrigation runoff shall be confined to the LAA and shall not enter any surface water drainage course or storm water drainage system.
10. Discharger of process wastewater to any land not having a fully functional tailwater/runoff control system is prohibited.
11. The LAA shall be managed to prevent breeding of mosquitos. More specifically:
 - a. All applied irrigation water must infiltrate completely within 48-hours;

- b. Ditches not serving as wildlife habitat shall be maintained free of emergent marginal, and floating vegetation; and
- c. Low-pressure and unpressurized pipeline and ditches accessible to mosquitos shall not be used to store process wastewater.

G. Solids Disposal Specifications

- 1. For the purpose of this Order, sludge includes the solid, semisolid, and liquid organic matter removed from wastewater treatment system. Solid waste refers to solid inorganic matter removed by screens and soil sediments from washing of unprocessed fruit or vegetables. Except for waste solids originating from meat processing, residual solids means organic food processing byproducts such as culls, pulp, stems, leaves, and seeds that will not be subject to treatment prior to disposal or land application.
- 2. Residual solids shall be removed from screens, sumps, and ponds as needed to ensure optimal operation, prevent nuisance conditions, and maintain adequate storage capacity.
- 3. Any handling and storage of residual solids shall be controlled and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils in a mass or concentration that will violate the groundwater limitations of this Order.
- 4. If removed from the site, residual solids shall be disposed of in a manner approved by the Executive Officer and consistent with Title 27, division 2. Removal for reuse as animal feed, or land disposal at facilities (i.e., landfills, composting facilities, soil amendment sites operated in accordance with valid waste discharge requirements issued by a Regional Water Board) will satisfy this specification.
- 5. Any proposed change in residual solids use or disposal practice shall be reported in writing to the Executive Officer at least 90 days in advance of the change.

H. Provisions

- 1. The Discharger shall comply with the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements*, dated 1 March 1991 (SPRRs), which are a part of this Order. This attachment and its individual paragraphs are referred to as Standard Provisions.

2. The Discharger shall comply with the separately issued **Monitoring and Reporting Program (MRP) R5-2021-0029**, and any revisions thereto as ordered by the Executive Officer. The submittal dates of Discharger self-monitoring reports shall be no later than the submittal date specified in the MRP.
3. A copy of this Order (including Information Sheet, Attachments and SPRRs) and the MRP, shall be kept at the Facility for reference by operating personnel. Key operating personnel shall be familiar with their contents.
4. The Discharger shall comply with the Basin Plan amendments adopted in Resolution R5-2018-0034 incorporating new programs (**Salt and Nitrate Control Programs**) for addressing ongoing salt and nitrate accumulation in the Central Valley developed as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative.
5. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall bear the professional's signature and stamp.
6. The Discharger shall submit the technical reports and work plans required by this Order for consideration by the Executive Officer, and incorporate comments the Executive Officer may have in a timely manner, as appropriate. Unless expressly stated otherwise in this Order, the Discharger shall proceed with all work required by the foregoing provisions by the due dates specified.
7. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports. On or before each report due date, the Discharger shall submit the specified document to the Central Valley Water Board or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, then the Discharger shall state the reasons for such noncompliance and provide an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the

Central Valley Water Board in writing when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of this Order.

8. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the Discharger when the operation is necessary to achieve compliance with the conditions of this Order.
9. The Discharger shall use the best practicable control technique(s), including proper operation and maintenance, to comply with this Order.
10. Per the SPRRs, the Discharger shall report promptly to the Central Valley Water Board any material change or proposed change in the character, location, or volume of the discharge.
11. In the event that the Discharger reports toxic chemical release data to the State Emergency Response Commission (SERC) pursuant to section 313 of the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11023), the Discharger shall also report the same information to the Central Valley Water Board within 15 days of the report to the SERC.
12. In the event of any change in control or ownership of the Facility, Shafter Airport WWTF, or LAA, the Discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.
13. To assume operation as Discharger under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Central Valley Water Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision B.3 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. If approved by the Executive Officer, the transfer request will be submitted to the

Central Valley Water Board for its consideration of transferring the ownership of this Order at one of its regularly scheduled meetings.

14. The Central Valley Water Board will review this Order periodically and will revise requirements when necessary.

If, in the opinion of the Executive Officer, the Discharger fails 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, 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 Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this Central Valley 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. The State Water Board must receive the petition by 5:00 p.m. 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 p.m. on the next business day. [Copies of the law and regulations applicable to filing petitions](#) are available on the Internet (at the address below) and will be provided upon request.

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

ATTACHMENTS

Attachment A—Site Map

Attachment B—Facility Map

Attachment C—Land Application Area Map

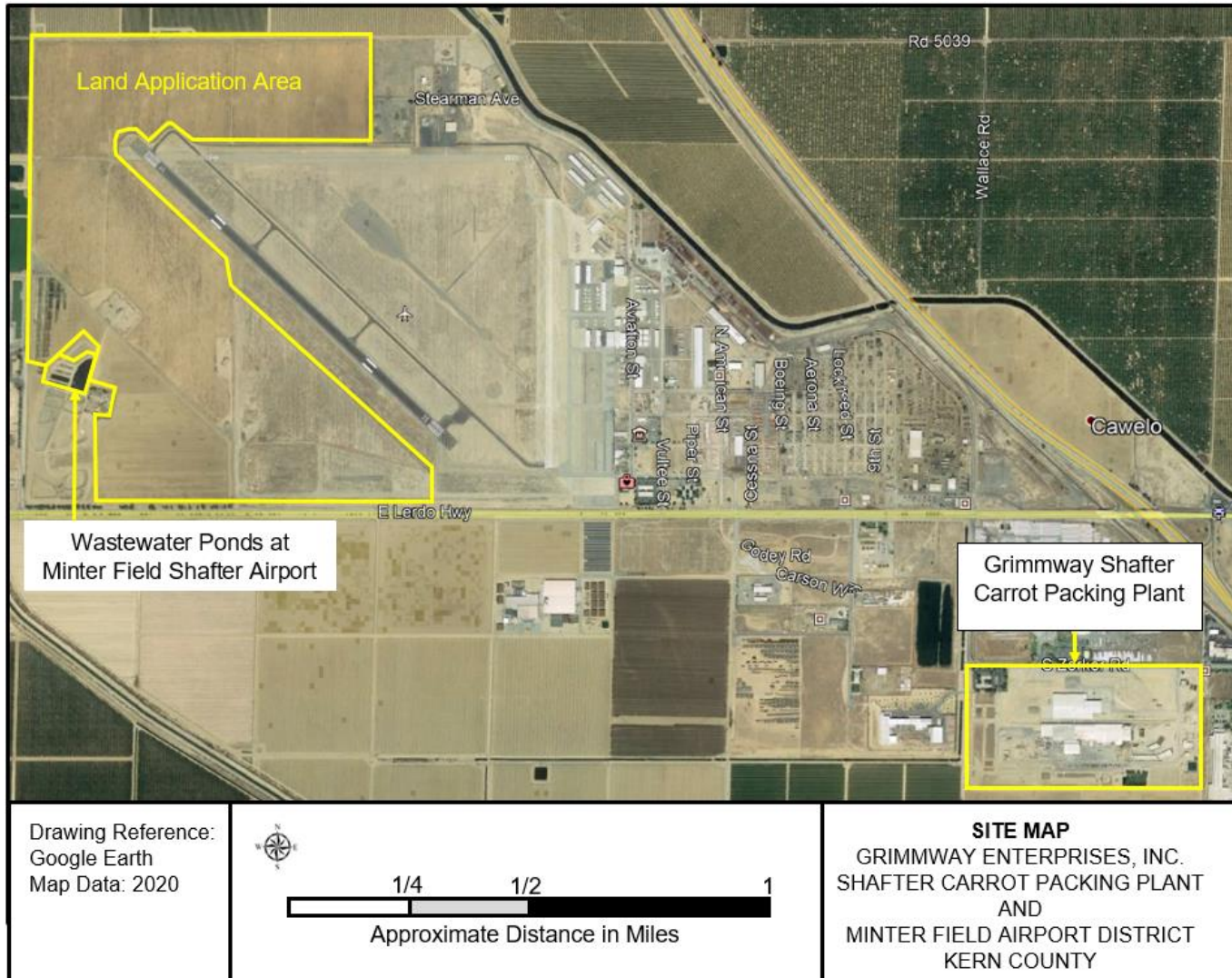
Attachment D—Process Flow Diagram

Information Sheet

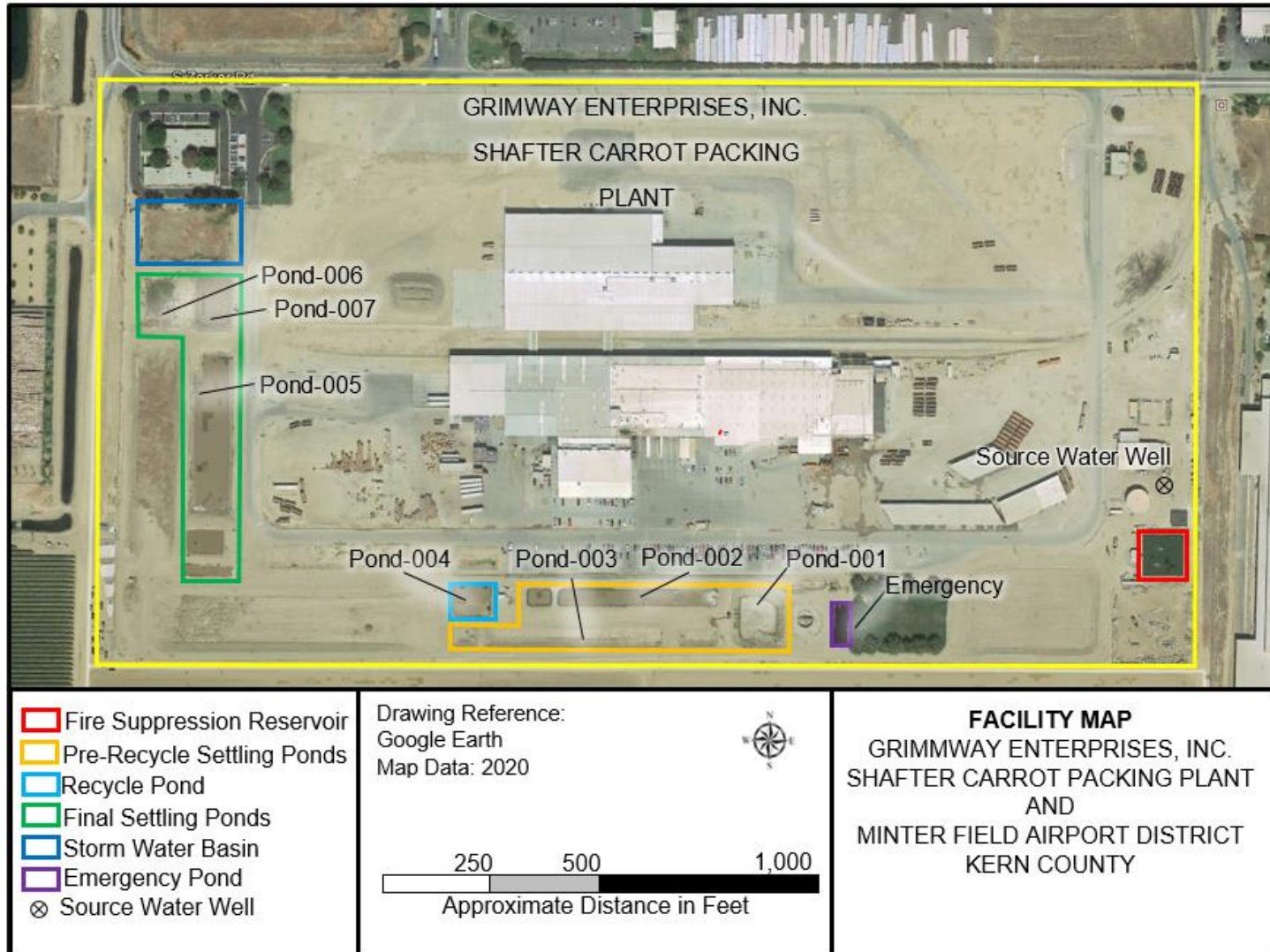
Standard Provisions and Reporting Requirements (SPRRs), dated 1 March 1991

Monitoring and Reporting Program R5-2021-0029 (and attachments thereto)

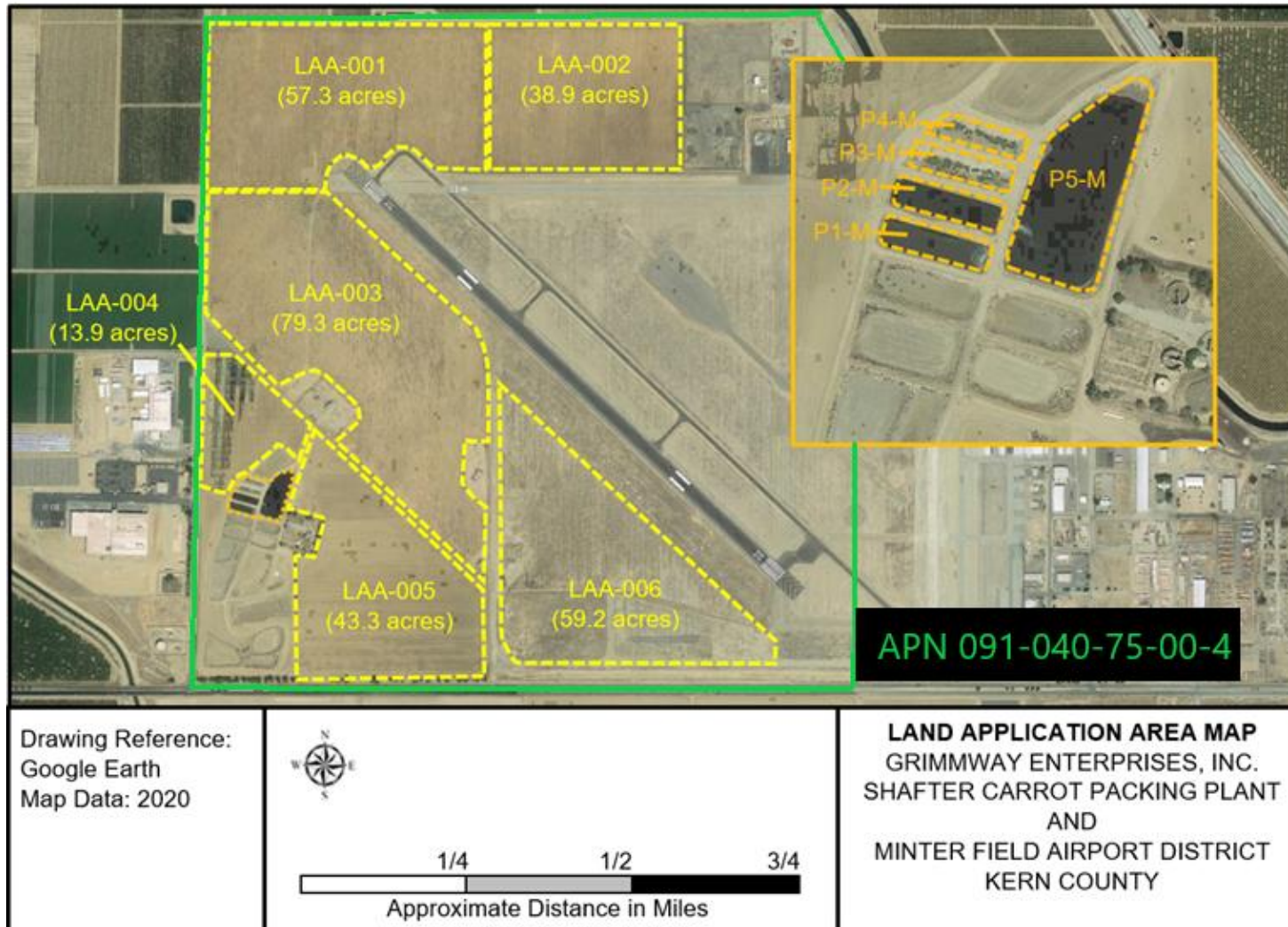
ATTACHMENT A—SITE MAP



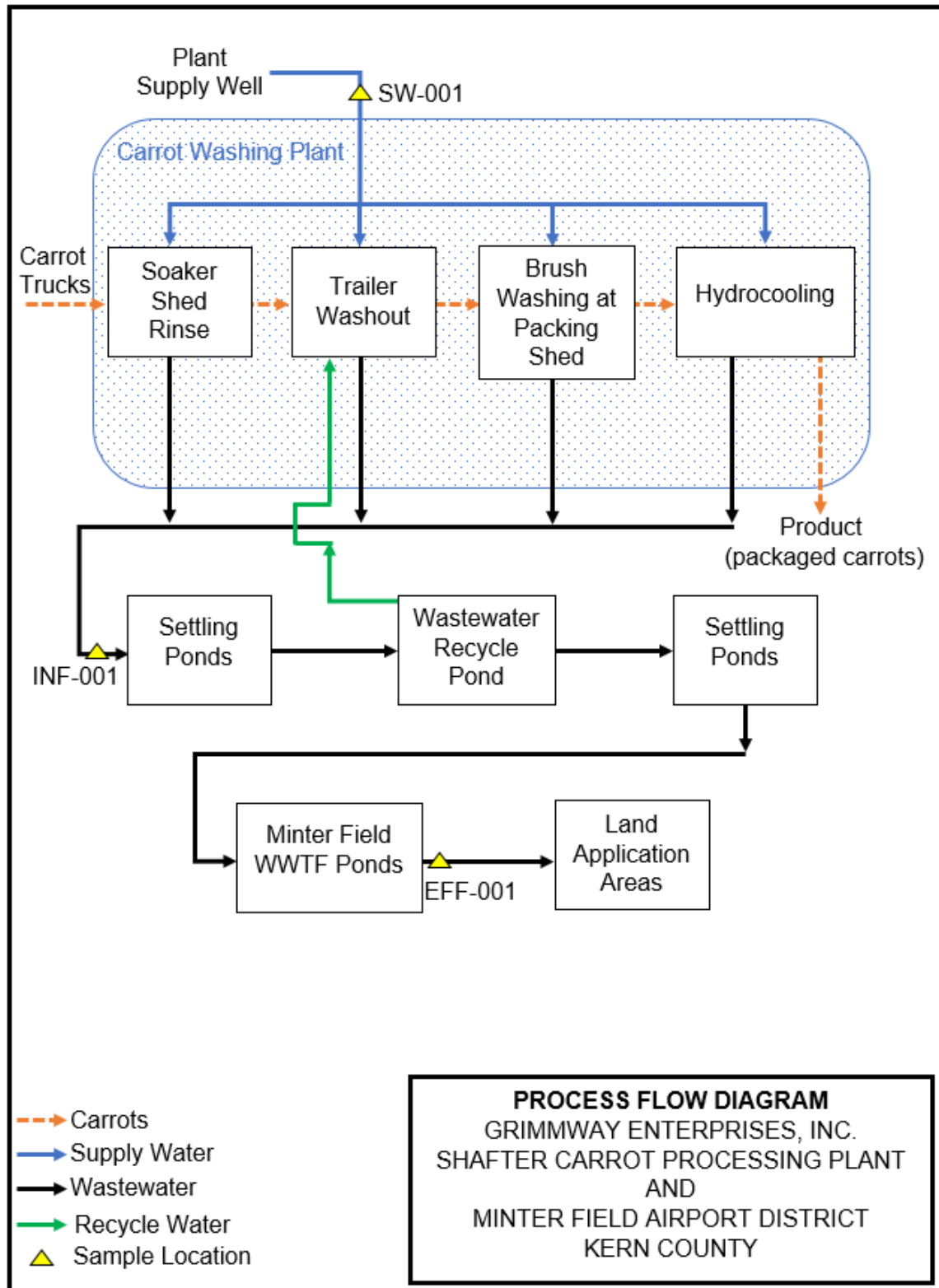
ATTACHMENT B—FACILITY MAP



ATTACHMENT C—LAND APPLICATION AREA MAP



ATTACHMENT D—PROCESS FLOW DIAGRAM



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

WASTE DISCHARGE REQUIREMENTS ORDER R5-2021-0029
FOR
GRIMMWAY ENTERPRISES, INC. AND MINTER FIELD AIRPORT DISTRICT
SHAFTER CARROT PACKING PLANT
KERN COUNTY

INFORMATION SHEET

BACKGROUND

Grimmway Enterprises, Inc. (Grimmway), Shafter Carrot Packing Plant (Facility) processes and packs fresh whole carrots at the Facility. The Facility was regulated by Waste Discharge Requirements (WDRs) Order R5-2015-0057, which authorized a monthly average discharge of 0.7 million gallons per day (mgd) and a total annual discharge of 182 million gallons to unlined ponds then to the Kern Spreading Basin project. Prior to issuance of WDRs R5-2015-0057, the Facility was authorized per WDRs Order 5-01-140 to discharge to the Shafter Airport Wastewater Treatment Facility (WWTF) ponds. The discharge to the Kern Spreading Basin project authorized by WDRs R5-2015-0057 was never initiated, instead the Facility has continued to discharge to the Shafter Airport WWTF.

The Shafter Airport WWTF (owned by Minter Field Airport District) previously treated domestic wastewater from the Minter Field Shafter Airport as well as carrot processing wastewater from the Grimmway Facility. In 2015 the Minter Field Shafter Airport ceased the discharge of sanitary wastewater to its WWTF and began discharging its domestic wastewater to the North of River WWTF (regulated by WDRs Order R5-2009-0088). The Minter Field Airport District had intended to close the Minter Field WWTF and, at the time, had requested a rescission of WDRs 86-159, which authorized the discharge of domestic wastewater to the WWTF. However, since the Grimmway discharge to the Kern Spreading Basin was never initiated, Minter Field revoked its request to have WDRs 86-159 rescinded to accommodate the Grimmway discharge to ponds at the Minter Field WWTF.

On 20 August 2019, the Discharger submitted a Report of Waste (RWD) consisting of a Form 200 and technical report. The RWD proposes to continue to discharge to the Shafter Airport WWTF ponds, but add a new disposal location, a 291.9-acre land application area (LAA) adjacent to the Minter Field Airport WWTF Ponds. The RWD did not propose a change in character or volume of discharge.

INFORMATION SHEET

WASTEWATER GENERATION AND DISPOSAL

The Facility consists of office buildings, truck parking, truck unloading, carrot washing facilities, carrot packing facilities, a storm water basin, and a system of unlined process wastewater ponds. Wastewater is generated from rinsing, unloading, washing, and cooling of fresh carrots.

GROUNDWATER CONSIDERATIONS

Groundwater conditions are discussed in Finding 29 through 30.

ANTIDEGRADATION

Antidegradation analysis and conclusions are discussed in Findings 47 through 53 of the Order.

DISCHARGE PROHIBITIONS, EFFLUENT LIMITATIONS, DISCHARGE SPECIFICATIONS, AND PROVISIONS

The Order limits the maximum daily average and annual flow to 700,000 gallons and 182 million gallons, respectively. The Order sets a cycle average BOD loading limit of 50 lbs/acre/day to the LAA and limits the instantaneous BOD load to 100 lbs/acre/day. The Order carries over a performance-based effluent limitation for EC, which states that the 12-month rolling average effluent EC shall not exceed the 12-month flow-weighted average EC of the source water plus 700 μ mhos/cm.

SALINITY MANAGEMENT PLAN

Grimmway submitted a Salinity Management Plan (SMP) on 11 November 2020. The SMP describes facility operations, addresses salinity reduction measures, and proposes an implementation plan. Salinity reduction measures identified in the SMP include an upgraded wastewater recycling system in 2013 and a new cooling system in 2016. The SMP provides the following implementation schedule:

- Contact chemical suppliers to discuss chemical substitution by the end of 2021,
- Implement a chemical tracking system by 1 January 2020,
- Sampling of individual waste streams by the end of 2021,
- Audit the employee chemical use and safety training program. Implement updates and changes to the training program as identified by the audit during the next training cycle.

MONITORING REQUIREMENTS

Section 13267 of the California Water Code authorizes the Central Valley Water Board to require monitoring and technical reports as necessary to investigate the impact of waste discharges on waters of the State. Water Code Section 13268 authorizes assessment of civil administrative liability where appropriate. The Order includes influent, pond, effluent, land application area, water supply, and supplemental irrigation monitoring requirements. This monitoring is necessary to characterize the discharge and evaluate compliance with the requirements and specifications in the Order. The

INFORMATION SHEET

influent monitoring requirements are required to monitor the discharge from the Facility's discharge to unlined ponds and the potential impact to underlying groundwater.

SALT AND NITRATE CONTROL PROGRAMS REGULATORY CONSIDERATIONS

As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments (Resolution R5-2018-0034) incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Resources Control Board adopted Resolution No. 2019-0057 approving the Central Valley Water Board Basin Plan amendments and also directed the Central Valley Water Board to make targeted revisions to the Basin Plan amendments within one year from the approval of the Basin Plan amendments by the Office of Administrative Law. The Office of Administrative Law approved the Basin Plan amendments on 15 January 2020 (OAL Matter No. 2019-1203-03).

Pursuant to the Basin Plan amendments, dischargers will receive a Notice to Comply with instructions and obligations for the Salt Control Program within one year of the effective date of the amendments (17 January 2020). A Notice to Comply with the Salt Control Program was issued on 5 January 2021. The Discharger must submit a Notice of Intent by 15 July 2021 informing the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting). The level of participation required of dischargers whose discharges do not meet stringent salinity requirements will vary based on factors such as the amount of salinity in the discharge, local conditions, and type of discharge. For the Nitrate Control Program, the Facility falls within Groundwater Sub-Basin 5-22.14 (Kern County Poso), a Priority 2 Basin. Notices to Comply for Priority 2 Basins will be issued within two to four years after the effective date of the Nitrate Control Program.

The CV-SALTS initiative will result in regulatory changes that will be implemented through conditional prohibitions and modifications to many WDRs regionwide, including the WDRs that regulate discharges from the Facility. More [information regarding the CV-SALTS regulatory planning process](https://www.waterboards.ca.gov/centralvalley/water_issues/salinity/) can be found at the following link:
https://www.waterboards.ca.gov/centralvalley/water_issues/salinity/

REOPENER

The conditions of discharge in the Order were developed based on currently available technical information and applicable water quality laws, regulations, policies, and plans, and are intended to assure conformance with them. The Order sets limitations based on the information provided thus far. If applicable laws and regulations change, or once new information is obtained that will change the overall discharge and its potential to impact groundwater, it may be appropriate to reopen the Order.

INFORMATION SHEET

LEGAL EFFECT OF RESCISSION OF PRIOR WDRS OR ORDERS ON EXISTING VIOLATIONS

The Central Valley Water Board's rescission of prior waste discharge requirements and/or monitoring and reporting orders does not extinguish any violations that may have occurred during the time those waste discharge requirements or orders were in effect.

The Central Valley Water Board reserves the right to take enforcement actions to address violations of prior prohibitions, limitations, specifications, requirements, or provisions of rescinded waste discharge requirements or orders as allowed by law.