

**23 AUGUST 2024 BOARD MEETING
UNCONTESTED AGENDA ITEM**

AGENDA ITEM: 12

SUBJECT:

Following are proposed Waste Discharge Requirements Orders that prohibit discharge to surface waters. All agencies and the dischargers concur or have offered no comments. Items indicated as updates on the summary agenda make the requirements consistent with current plans and policies of the Board.

BOARD ACTION:

Consideration of Waste Discharge Requirements.

BACKGROUND:

**A) CONTROLLED ENVIRONMENT FOODS FUND II TEHACHAPI PROPERTY, LLC,
CEFF II TEHACHAPI GREENHOUSE, KERN COUNTY**

Controlled Environment Foods Fund II (CEFF II) Tehachapi Property, LLC (Discharger) owns a 64-acre greenhouse/hydroponic facility (Facility) in Cummings Valley, CA. The Discharger currently leases 16-acres of greenhouses to Revol Greens CA, LLC (Revol Greens), and plans to lease the remaining greenhouses (48 acres) to another vegetable grower in 2024. Revol Greens grows organic lettuce utilizing a hydroponic environment featuring a deep-water raft system where lettuce boards float on water. The proposed discharge contains wastewater from various sources such as reverse-osmosis (RO) brine, floor drains, greenhouse and equipment condensate, boiler blowdown, and equipment process water. The Facility is currently unregulated and seeking to obtain Waste Discharge Requirements (WDRs).

The proposed WDRs would regulate the treatment and discharge of process wastewater to 45 acres of land application areas (LAAs) owned by CEFF II.

Comments were received by CEFF II, and revisions were made to the tentative WDRs.

**B) MA-RU HOLDING COMPANY, INC. AND BONZI SANITATION LANDFILL,
GENERAL PARTNERSHIP, BONZI SANITATION LANDFILL, STANISLAUS
COUNTY**

Ma-Ru Holding Company, Inc., the Estate of Rudy Bonzi, and the Mary Bonzi 2007 Novation Trust dated 27 January 2007 owns the closed Bonzi Sanitation Landfill. Bonzi Sanitation Landfill, a California general partnership between Rudy Bonzi and Mary Bonzi is the operator. All three parties, hereafter the landowners and operator collectively referred to as "Discharger", are jointly responsible for the Bonzi Sanitation Landfill (Facility), which is located approximately three miles southwest of Modesto in Stanislaus County.

Rudy Bonzi died in 1991. His estate, including his interests in Ma-Ru Holding Company, Inc.

and Bonzi Sanitation Landfill, is administered by James Bonzi in his capacity as Executor. Mary Bonzi died in 2008. Her estate, including her interests in Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, is administered by Thad Bettencourt in his capacity as Executor. Neither James Bonzi nor Thad Bettencourt is personally liable for compliance with this Order or the associated Monitoring and Reporting Order.

The Facility began operation in the 1960s and includes four closed, unlined Waste Management Units (WMUs) that comprise approximately 85.9 permitted acres of the 156-acre site. The remaining acres contain the groundwater treatment system (GTS), a landfill gas (LFG) extraction system including a LFG flare, treatment system retention basin (TSRB) in the southwest corner of the property, the former scale house area near the site entrance on the north, perimeter roads, and a former soil borrow area (currently stormwater sedimentation basin SB-1) in the northeastern portion of the site and a stormwater sedimentation basin (SB-2) in the southern portion of the Facility. Also included in the remaining 70.1 acres is an approximately 21-acre land application area (LAA) in the southernmost portion used by Facility's groundwater treatment system and/or tree crops.

The Facility is three miles southwest of Modesto near the Tuolumne River and the Riverbank Park Tract subdivision. The Riverdale Park Community municipal well is approximately 500-feet from the northern boundary of the landfill and directly downgradient of WMU I. This 14-inch diameter, 200-foot deep open bottom well provides drinking water for the adjacent Riverdale Park Community.

Enforcement History

The Facility has a long enforcement history beginning in 1984 with the issuance of Cease-and-Desist Order (CDO) No. 84-153 that required delineation of the contaminant plume emanating from the facility. The Discharger did not comply in a timely manner and was therefore issued a \$3,500 Administrative Civil Liability (ACL) Order.

As a result of CDO No. 84-153, and the subsequent data evaluation, the Board adopted Cleanup and Abatement Order (CAO) No. 89-185 to implement the necessary groundwater remediation. On 23 March 1990, the Executive Officer signed ACL Complaint No. 90-093 in the amount of \$50,000 for failure to comply with the CAO. As a result, the Discharger installed the groundwater treatment system in the summer of 1991 and began pumping on 1 November 1991.

In April 2005, following a facility inspection and review of the case file, the Central Valley Water Board adopted CDO No. R5-2005-0073 to address a number of issues. The Order included requirements to address poor maintenance of closed WMU I; the acceptance of unauthorized waste; the closure of WMUs II and III; the lack of operation of the groundwater treatment system; the update of the financial assurance; and required an evaluation of the groundwater monitoring system.

Following the adoption of CDO No. R5-2005-0073, the Discharger began submitting reports to comply with the CDO. However, upon review, staff found that these submittals were incomplete and did not address the requirements of the CDO.

Due to the continuing pattern of non-compliance, in 2005, the Central Valley Water Board

and the Stanislaus County District Attorney's Office filed suit against the Discharger in Stanislaus County Superior Court to enforce compliance with the Central Valley Water Board's Orders. In December 2005, the Central Valley Water Board and Stanislaus County District Attorney's Office entered a stipulated judgement with the Discharger, which required:

- Payment of \$450,000 to the Stanislaus County District Attorney's Office and the State of California over a two-year period;
- Payment of \$100,000 if the Discharger submitted fraudulent reports at any time in the next three years; and
- Payment of \$1.5 million in penalties, stayed contingent upon Discharger's satisfactory completion of 21 studies and improvements to the landfill.

Eight days after the stipulated judgment was signed, the Discharger violated a term of the stipulated judgment. Consequently, on 26 January 2006, the Central Valley Water Board adopted Resolution No. R5-2006-0002, requiring the Discharger to remit \$50,000 to the Central Valley Water Board for failure to comply with the stipulated judgment. Following an appeal to the State Water Resources Control Board (State Water Board), the Discharger paid the \$50,000 fine.

The Discharger continued to fail to comply with the stipulated judgment. Therefore, on 5 May 2006, the Central Valley Water Board adopted Resolution No. R5-2006-0036, requiring the Discharger to remit \$50,000 to the Central Valley Water Board for failure to complete 5-year sampling event in accordance with the stipulated judgment. The Discharger subsequently conducted the required groundwater monitoring and paid the \$50,000 fine.

On 2 August 2006, the Central Valley Water Board adopted CAO No. R5-2006-0172 requiring the Discharger to evaluate the vertical and lateral extent of groundwater pollution. Based on that evaluation, the Discharger was also required to (a) submit a feasibility study with alternatives to cleanup groundwater in compliance with Title 27, (b) implement source control, (c) restore the water quality of the polluted aquifer, and (d) conduct a human health risk assessment for the Riverdale Community. As a result, the Discharger submitted a Joint Technical Document to update the facilities operations, Closure and Post Closure Plans for WMUs II, III, and IV, a groundwater monitoring system upgrade report, and the 5-year groundwater sampling event data.

Based on information in the Joint Technical document, the Central Valley Water Board adopted WDRs Order R5-2007-0148 on 26 October 2007, which included an update of the general site conditions, as well as requirements for the groundwater Corrective Action Program, the groundwater-monitoring program, the post closure maintenance of WMU I, and the closure design of WMUs II and III.

On July 24, 2009, the Central Valley Water Board filed suit against the Discharger in Stanislaus County Superior Court (Case No. 643740) for violation of administrative orders as well as the Stipulated Judgment entered on December 23, 2005. The California Department of Resources Recycling and Recovery (Cal Recycle, and together with the Central Valley Water Board, the Agencies) later intervened and joined the lawsuit.

In March 2010, the Discharger notified the Agencies that it was financially unable to close remaining WMUs II, III, or IV, or even continue site operations and maintenance. At the time, the estimated landfill costs for closure, post-closure maintenance, and corrective actions were \$6.161 million, \$10 million, and \$4.8 million, respectively. The Discharger was unable to fund all three of these costs for the landfill. The Discharger had assets in the Closure and Post Closure Fund that could only support approximately \$5.2 million in site-related costs. Consequently, the Discharger and the Agencies entered into a Stipulated Agreement to access funds from the Discharger's Closure and Post Closure Maintenance Fund to continue funding critical landfill operations and maintenance. In 2012, an interim soil cover was placed atop WMU II, III, and IV; however, due to the Discharger's failure to deposit sufficient funds in the Closure and Post Closure Maintenance Fund, formal closure of WMU II, III, and IV was postponed.

On March 20, 2014, the Agencies obtained a default judgment which required the Discharger to comply with a number of the administrative orders and the 2005 Stipulated Judgement. In July 2014, the State Agencies filed suit against certain of the Dischargers in Stanislaus County Superior Court seeking to enforce a separate Remediation Order to fund the Discharger's financial assurances obligations. The parties entered a Stipulated Judgment on March 29, 2016, under which the Bonzi Parties agreed to sell certain properties to fund the Closure and Post Closure Maintenance Fund.

Final cover construction was substantially complete on 4 February 2022, and all closure project work, including fence installation, was complete on 28 April 2022.

Corrective Action

Current corrective action activities at the facility include post closure maintenance of the final closure covers, continued operation and maintenance of a groundwater extraction and treatment system to prevent contaminated groundwater from leaving the Facility boundary, continued operation and maintenance of an active landfill gas extraction system to minimize a release of gas related constituents of concern to underlying groundwater resources, and continued periodic monitoring of offsite water supply wells to ensure that the release of waste from the Facility to groundwater has not impacted the beneficial uses of groundwater nor cause a health concern for users in the surrounding area who rely on beneficial uses of groundwater.

Revised Waste Discharge Requirements

The only new requirement being set by these revised WDRs is that the discharger either obtain coverage under the Industrial General Permit for off-property storm water discharges or demonstrate that the Facility has adequate storage capacity to contain all non-contact storm water onsite. However, as the existing WDRs are seventeen years old these new WDRs are consistent with modern permitting approaches and will allow for better regulatory oversight of the Facility as they capture the Facility in its now fully closed status.

C) SANDRIDGE PARTNERS, L.P., SANDRIDGE CATTLE PROCESSING FACILITY, KINGS COUNTY

Sandridge Partners, LP (Discharger or Sandridge) is proposing to construct the Sandridge Cattle Lemoore Processing Facility (Facility) at 9668 Jackson Avenue just southwest of

Lemoore in Kings County. The Facility is anticipated to begin operations in mid-2026 and will produce processed beef for sale to consumers. When fully operational, the Facility proposes to harvest up to 210 cattle per day and operate five days per week, or about 255 days per year. The property will encompass about 1,240 acres of farmland contained within seven Kings County Assessor Parcels owned by Sandridge and will include offloading areas and holding pens, the proposed cattle processing Facility, two lined effluent storage ponds, with nearly 765-acres available (366- and 399-acres) for the land application of treated cattle processing wastewater to crops.

Holding pen wastewater flows through a sand lane to remove solids and then comingles with wastewater from the slaughter and cutting/processing floors. Wastewater from slaughter and cutting/processing floors is treated using a rotary drum screen, aerated equalization tank, pH adjustment, flocculation, and dissolved air flotation. The proposed Waste Discharge Requirements (WDRs) will regulate the treatment, production, and discharge of 55,000 gallons per day or 14 million gallons of treated cattle processing wastewater annually to the LAAs. Wastewater will be used to supplement irrigation water to grow feed, fodder, and fiber crops.

Comments were received by Sandridge and an interested member of the public, Ms. Jo Anne Kipps. Revisions were made to the tentative WDRs, and Monitoring and Reporting Program based on the commentary received.

RECOMMENDATION:

Adopt the proposed Waste Discharge Requirements.

REVIEWS:

Management Review:	
Legal Review:	

BOARD MEETING LOCATION:

Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

AND VIA VIDEO AND TELECONFERENCE