

KAHN, SOARES & CONWAY, LLP

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March 19, 2025

*Via Email Only*

Christina Shupe  
Assistant Executive Officer  
Central Valley Regional Water Quality Control Board  
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SUBJECT: Setton Pistachio of Terra Bella, Inc., Terra Bella Pistachio Facility Rescission  
R5-2020-0038 Comments

Dear Ms. Shupe:

Kahn, Soares & Conway, LLP represents Setton Pistachio of Terra Bella, Inc., (Setton Pistachio) on water quality matters before the Central Valley Regional Water Quality Control Board (Central Valley Water Board). On behalf of Setton Pistachio, we provide comments here in support of rescission of Cease and Desist Order R5-2020-0038 (CDO).

Rescission of the CDO is appropriate for a variety of reasons. Most importantly, there have been no credible odor complaints for several years. Over the last six years, beginning even prior to issuance of the CDO, Setton Pistachio has made significant investments in upgrades to wastewater treatment facilities, irrigation systems, and changes in operations to its Terra Bella Pistachio Facility. These changes include, in part, expanding the land application areas to a total of 961 acres, installing and using multiple solids removal systems, additional treatment through multiple filter systems, use of aerators in ponds, installation of sub-surface irrigation systems for all 961 acres, and minimizing time of storage in ponds prior to reuse of treated wastewater for irrigation.

March 19, 2025

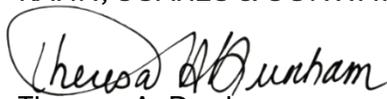
Page 2

With these improvements along with other operational changes such as ceasing use of the 350 acre-foot treatment and storage pond, Setton Pistachio has long resolved previous odor issues associated with the storage of pistachio hulling waste. As correctly stated in the draft rescission order, there were no confirmed odor complaints during the 2024 harvest season because there were no odors. Moreover, very recent odor complaints to the Central Valley Water Board and San Joaquin Air District, which occurred after Central Valley Water Board public notice of the rescission order, were also found to be unsupported and non-detect.<sup>1</sup> Considering that Setton Pistachio is not currently generating pistachio wastewater because we are outside of the pistachio harvest season, the most recent complaints significantly question the veracity and validity of these and potential future complaints.

In summary, the CDO needs to be rescinded. Setton Pistachio has complied with all terms of the CDO and more, and thus there is no reason or justification to leave the CDO in place. Please contact me at [tdunham@kscsacramento.com](mailto:tdunham@kscsacramento.com) if you have any questions.

Sincerely,

KAHN, SOARES & CONWAY, LLP



Theresa A. Dunham

TAD/sa

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<sup>1</sup> The Central Valley Water Board and the San Joaquin Valley Air District received calls on March 2 and March 10, 2025, alleging that odors were being generated at Setton Pistachio.