



Enforcement News

Central Valley Regional Water Quality Control Board
<http://www.waterboards.ca.gov/centralvalley/>

Morning Star Packing Company Issued \$1.5 Million Penalty, Cease and Desist Order for Wastewater Violations

FOR IMMEDIATE RELEASE
Feb. 22, 2016

Contact: Wendy Wyels
Phone: (916) 464-4835

SACRAMENTO – The Central Valley Regional Water Quality Control Board (Regional Water Board) has issued a \$1.5 million civil liability against Morning Star Packing Company for the unauthorized expansion of two wastewater ponds, and the reduction in cropland used to dispose of wastewater. The Water Board also adopted a negotiated Cease and Desist Order, which requires Morning Star to address 10 categories of waste discharge violations.

It is estimated that approximately 266 million gallons of wastewater was discharged from the unpermitted expansions of the ponds to groundwater at the company's tomato packing facility in Williams (Colusa County). The Morning Star Packing Company owns three tomato packing facilities, a trucking company and farming operations in the Central Valley.

The violations listed in the Cease and Desist Order include the unpermitted expansion of the wastewater cooling pond from 60 acres to 100 acres, and the unauthorized discharge of tomato waste into this pond. The expansion of the cooling pond resulted in the reduction in cropland from 695 acres to 485 acres. The crops are intended to remove the contaminants before the wastewater percolates into the groundwater. However, Morning Star's improper wastewater disposal exceeded the cropland loading limits for nitrogen, salt and organic waste. Additional violations include the failure to address continuing groundwater pollution; operation of an unpermitted silage operation; the unauthorized expansion of the settling pond; and the creation of objectionable odors that were detected beyond the property boundaries.

Morning Star failed to disclose the two pond expansions to the Board during the 2012 permit update process, and therefore the existing permit does not consider the effect of the expansions on groundwater quality. The discharge of wastewater is regulated by the Regional Water Board through the issuance of waste discharge requirements, which contain conditions intended to protect surface water and groundwater quality. A basic tenant of the Regional Water Board's permits is that a discharger may not make a material change in its wastewater system without informing Board staff and obtaining updated permit requirements that are fully protective of water quality.

“In adopting this order, our Board members noted the egregious nature of Morning Star’s actions” said Andrew Altevogt, assistant executive officer for the Regional Water Board. “When a discharger chooses to mislead our staff in this way, we are unable to assure that their practices will be protective of water quality.”

Board staff discovered the unauthorized expansion in August 2015 when Board staff began receiving odor complaints from neighbors of the Williams facility. During an inspection, staff learned that Morning Star had made significant changes to its wastewater storage and disposal system. The current waste discharge requirements do not evaluate the additional discharge and therefore do not contain sufficient water monitoring requirements. The civil liability was issued by the Board on Feb. 18.

The Central Valley Regional Water Quality Control Board is a California state agency responsible for the preservation and enhancement of quality in water resources. See the Regional Water Board’s [website](#) for more information.

###