

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**[TENTATIVE] ORDER R5-2025-XXXX
RESCINDING CEASE AND DESIST ORDER R5-2020-0038
FOR
SETTON PISTACHIO OF TERRA BELLA, INC.
TERRA BELLA PISTACHIO FACILITY
TULARE COUNTY**

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. On 13 August 2020, the Central Valley Water Board issued Cease and Desist Order R5-2020-0038 (CDO) to Setton Pistachio of Terra Bella, Inc. (Discharger) based on violations of Waste Discharge Requirements Order 92-191 (WDRs) at its Terra Bella Pistachio Facility (Facility).
2. The CDO required the Discharger to complete several tasks, as summarized below:

A. Directives to Cease & Desist

1. The Discharger shall immediately cease and desist its generation of objectionable odors as described in the findings, to achieve compliance with Discharge Specification B.2 of WDRs Order 92-191.
2. The Discharger shall immediately cease and desist (and otherwise abate) all nuisance conditions existing in, or arising from discharges to the Treatment/Storage Pond, and any other wastewater impoundments at the Facility, to achieve compliance with Standard Provision A.11 of WDRs Order 92-191.
3. Non-compliance can be established by credible objectionable odor complaints received by Board staff, information received from Air District staff, and/or by continuous odor monitoring data submitted by the Discharger.

B. Pond Improvements – The Discharger shall submit the following reports proposing various improvements to the Treatment/Storage Pond and any other wastewater impoundments at the Facility.

1. By **21 August 2020**, the Discharger shall submit for Board staff review and concurrence a Pond Compliance Plan to be immediately implemented in the event that DO concentrations in any pond containing wastewater violate the limits in the WDRs, or upon detection of odors that violate Discharge Specification B.2 or Standard Provision A.11 in the WDRs Order. At a minimum, the plan shall:
 - a. Describe the quantity and dosing rates for all chemicals/additives that may be added to the wastewater system and/or the ponds to bring the discharge back into compliance in a timely manner.
 - b. Propose a method for ceasing wastewater discharge into wastewater ponds until wastewater in the ponds is in compliance with the WDRs. The method may include tanking and hauling of all generated waste to a permitted disposal facility or the use of temporary on-site storage in above ground tanks.
 - c. Propose a disposal plan for wastewater stored in ponds that is not in compliance with the limits specified in the WDRs.

2. By **20 November 2020**, the Discharger shall submit for Board staff review and concurrence an aeration system and/or additional pond modifications improvement report that describes proposed improvements for the Treatment/Storage Pond and/or its aeration system necessary for maintaining compliance with the WDRs. At a minimum, the report shall include descriptions of the following:
 - a. Proposed improvements to the aeration system and/or pond;
 - b. Design calculations (prepared and stamped by an appropriately licensed professional) demonstrating that the proposed modifications are adequately designed to treat the wastewater

and prevent off-site objectionable odor generation; and

- c. How the aeration system and/or additional pond modifications will be operated, maintained, and monitored to ensure compliance with the WDRs.

3. Within **120-days** of receiving Board staff concurrence of the aeration system and/or additional pond modifications improvement report, the Discharger shall submit a technical report certifying that improvements for the aeration system and/or additional pond modifications have been completed in accordance with the aeration system and/or additional pond modifications improvement report approved by Board staff.

C. Operations & Maintenance Plan – By **20 November 2020**, the Discharger shall submit an Operations and Maintenance Plan for the entire wastewater and stormwater collection, treatment, and disposal systems. The plan shall include the following:

1. An identification and description of all system components, including solids segregation and storage, solids disposal, wastewater/stormwater collection and conveyance, chemical pre-treatment, flow monitoring, wastewater ponds/impoundments, aeration systems, other treatment systems and disposal areas, etc.; and
 2. Specification of inspection frequencies for each identified component;
 3. Discussions of all collection system, treatment system, and disposal system operation and maintenance activities necessary to ensure that the Facility remains in compliance with the WDRs Order.
3. **The Discharger completed all tasks required by the CDO.** Since the CDO was adopted in August 2020, the Discharger has implemented multiple corrective actions to address its objectionable odor violations, including ceasing use of its 350 acre-foot Treatment/Storage pond for wastewater and modifying its discharge practices so that wastewater is discharged to land application areas via subsurface irrigation. Board staff conducted multiple site visits between the adoption of the CDO and 30 September 2024 and confirmed that these corrective actions have been implemented. Additionally, during the 2024 pistachio harvesting season, Board staff

conducted one inspection of the Facility in response to two odor complaints and San Joaquin Valley Air Pollution Control District conducted seven inspections of the Facility in response to objectionable odor complaints and did not confirm any of the complaints. Technical reports required by the CDO were all submitted by the Discharger by the deadlines specified in the CDO.

4. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to consider rescission of the CDO at its 24/25 April 2025 Board meeting and has provided them with an opportunity to submit their written comments and recommendations prior to the meeting.
5. This Order is exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15061, subdivision (b)(3), because it can be seen with certainty that there is no possibility that this Order may have a significant effect on the environment.
6. The Central Valley Water Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.
7. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review the action 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., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final 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 may be found on the Internet at](#)

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/ or will be provided upon request.

IT IS HEREBY ORDERED that Cease and Desist Order R5-2020-0038 is rescinded.

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on XX April 2025.

TENTATIVE

PATRICK PULUPA, Executive Officer