

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2014-0065

REQUIRING
DELANO GROWERS GRAPE PRODUCTS
GRAPE JUICE PROCESSING PLANT
KERN COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2014-0064

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

1. On 6 June 2014, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2014-0064 prescribing waste discharge requirements for Delano Growers Grape Products (hereafter Discharger) at its Grape Juice Processing Plant in Delano, Kern County. The Discharger discharges wastewater to a Land Application Area (LAA) as described in Order R5-2014-0064.

2. WDR Order No. R5-2014-0064 contains Effluent Limitations C.1, which reads, in part, as follows:

1. As determined by collecting samples from monitoring location EFF-003¹, effluent discharged to the LAA shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Maximum Daily</u>
Electrical Conductivity	umhos/cm	1,100	--

¹ Monitoring location EFF-003 is described in Monitoring and Reporting Program R5-2014-0064.

3. WDR Order No. R5-2014-0064 contains Groundwater Limitations, Section E, which reads, in part, as follows:

Release of waste constituents associated with the discharge shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality for the specified constituents, whichever is greater:

- i. Nitrate as nitrogen of 10 mg/L.
- ii. For constituents identified in Title 22 of the California Code of Regulations, the MCLs quantified therein.

4. Immediate compliance with Effluent Limitation C.1 for electrical conductivity of wastewater currently discharged to the LAA and Groundwater Limitations for electrical conductivity, total dissolved solids, nitrate as nitrogen, and sulfate are not practicable. The California Water Code authorizes time schedules for achieving compliance.

5. Water Code section 13300 states:

Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

6. In accordance with Water Code section 13300, the Central Valley Water Board finds that there is a discharge of waste threatening to take place that will violate requirements prescribed by the Central Valley Water Board, and that the Discharger may not be able to immediately comply with Effluent Limitation B.1 for electrical conductivity or Groundwater Limitations for electrical conductivity, total dissolved solids, nitrate as nitrogen, and sulfate. Therefore, the Central Valley Water Board finds that a Time Schedule Order is appropriate.

7. Water Code section 13267(b) states:

In conducting an investigation specified in subdivision (a), the 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 within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region 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.

8. The technical reports required by this Order are necessary to assure compliance with the Order and applicable provisions of the Water Code. The Discharger operates the facility that discharges the waste subject to this Order.

9. The issuance of this Time Schedule Order, which enforces limitations prescribed in Waste Discharge Requirements issued by the Central Valley Water Board, may be considered an action by a regulatory agency to enforce a "lease, permit, license, certificate, or other entitlement for use" and is therefore exempt from the requirements imposed by the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321.

10. On 6 June 2014, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing

at which evidence was received to consider a Time Schedule Order under Water Code section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED, pursuant to sections 13300 and 13267 of the Water Code, that:

1. The Discharger shall comply with WDRs R5-2014-0064, Effluent Limitation C.1 for electrical conductivity, in accordance with the following compliance schedule:

Task	Description	Date Due
1	Submit a work plan and implementation schedule that identifies specific control measures Delano Growers Grape Products will employ to ensure compliance with WDRs Order No. R5-2014-0064, Effluent Limitation C.1 for electrical conductivity. The work plan and implementation schedule shall be subject to the approval of the Executive Officer.	8 December 2014
2	Begin implementation of the approved work plan.	In accordance with the approved schedule, but no later than 8 June 2015
3	Submit a technical report demonstrating complete implementation of the approved work plan and compliance with WDRs Order No. R5-2014-0064, Effluent Limitation C.1 for electrical conductivity. Upon receipt of written concurrence by the Executive Officer this task shall be considered complete.	In accordance with the approved schedule, but no later than 8 June 2017

2. The Discharger shall comply with Groundwater Limitations for electrical conductivity, total dissolved solids, nitrate as nitrogen and sulfate contained in WDR Order R5-2014-0064, in accordance with the following compliance schedule:

Task	Description	Date Due
1	Submit a work plan and implementation schedule that identifies the methods proposed for: (1) assessing the spatial extent of groundwater affected by, and that could be affected by the discharge, (2) determining the predominant direction of groundwater flow and the adequacy of the existing monitoring well network to monitor impacts to groundwater as a result of the discharge in relation to the predominant direction of groundwater flow; and (3) determining the background groundwater quality for electrical conductivity, total dissolved solids, nitrate as nitrogen, and sulfate. The work plan and implementation schedule shall be subject to the approval of the Executive Officer.	8 June 2015

Task	Description	Date Due
2	Submit a technical report that addresses items (1) through (3) in Task 1 above. The technical report shall also provide an estimate of how long it will take for groundwater to meet applicable water quality objectives after the Discharger implements control measures required under this Order and WDRs Order R5-2014-0064.	In accordance with the approved schedule, but no later than 6 June 2017
3	Annually submit, a technical report analyzing groundwater quality and progress towards meeting applicable water quality objectives.	Annual progress report (by 1 February of each year)
4	If the periodic monitoring required in Task 3 above, indicates unsatisfactory progress towards meeting water quality objectives, the Discharger shall submit a work plan with a compliance schedule for implementing additional measures to meet applicable water quality objectives. The proposed work plan and compliance schedule shall be subject to Executive Officer approval and may be incorporated into future Board Orders.	As required by the Executive Officer

3. For the compliance schedules required by this Order, the Discharger shall submit to the Central Valley Water Board on or before each compliance report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule.

4. Any person signing a document submitted under this Order shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

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 work plans 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.

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 or with the WDRs may result in the assessment of administrative 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 action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control 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:

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

or will be provided upon request.

I, PAMELA C. CREEDON, 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 6 June 2014.

Original signed by:

PAMELA C. CREEDON, Executive Officer