

ITEM: 23

SUBJECT: Proposed Order rescinding:
Cease and Desist Order 5-01-191 for California Olive Growers;
Special Order 93-201 for Tri-Valley Growers and Oberti Olive
Company; and Waste Discharge Requirements Order 91-178 for Tri
Valley Growers and Oberti Olive Company
Former Olive Processing Facilities, Madera County

BOARD ACTION: *Consideration of Proposed Order*

BACKGROUND: The former Oberti Olive Company (Oberti) olive processing plant (Site) operated from the late 1940's. Tri Valley Growers (TVG) purchased the Site in 1965 and operated until TVG filed for bankruptcy in 2000. The Site was subsequently acquired and operated by California Olive Growers, Inc. (COG). COG subsequently filed for Chapter 7 bankruptcy liquidation on 13 December 2004. The Site originally consisted of 4 parcels totaling approximately 78.5 acres. Two parcels are still owned by Gary and Stan Oberti, a 5-acre parcel containing olive trees and a 7-acre parcel with a concrete warehouse and two groundwater monitoring wells. United Security Bank owns a 5.5-acre parcel with a second concrete warehouse and one groundwater monitoring well. The remaining 61 acre former olive processing plant site was purchased in 2006 by a Madera developer. Most of the processing infrastructure and all olive processing equipment have been removed. Some remaining buildings are rented. Six groundwater monitoring/extraction wells remain on the site. The Developer was notified by Central Valley Water Board staff in correspondence dated 9 March 2007 that all environmental liabilities associated with the site are considered the responsibility of the property owner. Additional parcels adjacent to the former processing site contain two sets of former brine wastewater disposal ponds (Process Ponds 45 acres, Remote Ponds 110 acres) which were purchased in 2008 by a developer/farmer from Manteca. Twenty-nine groundwater monitoring/extraction wells exist on the two properties. The owner was notified by Central Valley Water Board staff in correspondence dated 19 November 2008 that all environmental liabilities associated with the two parcels are considered the responsibility of the property owner.

Waste Discharge Requirements Order 91-178 for TVG and Oberti prescribed requirements and contained a time schedule addressing various issues regarding the former olive processing operations and wastewater disposal to the ponds. TVG and Oberti are no longer associated with the site.

Cease and Desist Order 5-01-191, adopted by the Central Valley Water Board on 27 July 2001, required COG to cease discharging waste contrary to waste discharge requirements, specifically Order 91-178 and Special Order 93-201 related to issues at the former Oberti olive processing facilities. COG is bankrupt and no longer associated with the Site.

Special Order 93-201 amending Order 91-178, required TVG and Oberti to cease the discharge of pumped groundwater to the two sets of disposal ponds by a specified date. The Order extended the cease discharge deadline. The companies are no longer associated with the Site.

All olive processing and wastewater discharge has ceased, the former processing property and the disposal ponds have been sold, and all olive processing facilities and equipment removed.

The proposed Order rescinds Cease and Desist Order 5-01-191, Special Order 93-201, and Waste Discharge Requirements Order 91-178.

RECOMMENDATION: Adopt the proposed Order

Mgmt. Review _____
Legal Review _____