
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
1685 E Street, Fresno, California 93706

PUBLIC HEARING

concerning

PROPOSED ORDER

RESCISSION OF:

**CEASE AND DESIST ORDER 5-01-191
CALIFORNIA OLIVE GROWERS**

**SPECIAL ORDER 93-201
TRI VALLEY GROWERS, OBERTI OLIVE COMPANY**

**WASTE DISCHARGE REQUIREMENTS ORDER 91-178
TRI VALLEY GROWERS, OBERTI OLIVE COMPANY**

**FORMER OLIVE PROCESSING FACILITIES
MADERA COUNTY**

The former Oberti Olive Company (Oberti) olive processing plant (the Site) in Madera, CA, operated from the late 1940's until Tri-Valley Growers (TVG) purchased and operated the facility during the 1980's. TVG filed for bankruptcy during the late 1990's and the Site was subsequently acquired and operated by California Olive Growers, Inc. (COG). COG filed for bankruptcy in 2004, and olive processing no longer occurs on the Site and all wastewater discharges have been ceased.

The Site has been regulated by the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) since the 1960's. High-strength olive brine wastewater from the processing facility was discharged to two sets of offsite disposal ponds totaling 160 acres. Wastewater was discharged into three clay-lined ponds (closed in the 1970's) located at the south end of the 78.5-acre Site. Brine wastewater leaked from the ponds, which resulted in impacts to the underlying groundwater aquifer used as a source of drinking and irrigation water. These impacts required the replacement of several private drinking water and irrigation wells. Nearly 50 groundwater monitoring and groundwater extraction wells were constructed in the area for monitoring and remediation by Oberti, TVG and COG. Groundwater extraction ceased in 2004.

The Site originally consisted of 4 parcels totaling approximately 78.5 acres. Two parcels are still owned by Gary Oberti and contain olive trees, a concrete warehouse, and two groundwater monitoring wells. A 5.5-acre parcel owned by United Security Bank contains a second concrete warehouse and one groundwater monitoring well. The remaining 61-acre plant site was purchased in 2006 by a local Madera developer without a pre-purchase agreement with the Central Valley Water Board. Most of the processing infrastructure and all equipment have been removed, with some of the remaining buildings being rented. Six groundwater monitoring/extraction wells remain on this parcel. Submittal of an appropriate

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Former Olive Processing Facilities
Madera County

post-closure land use plan to the Central Valley Water Board and eventual well abandonment are the responsibility of the new owner.

The properties containing the two sets of offsite brine wastewater disposal ponds (Process Ponds 45 acres, Remote Ponds 110 acres) were purchased in 2008 by a developer/farmer from Manteca. Twenty-nine groundwater monitoring/extraction wells remain on the two properties. These parcels were also purchased without a pre-purchase agreement with the Central Valley Water Board. Submittal of a pond closure plan, appropriate post-closure land use plan to the Central Valley Water Board and eventual well abandonment will be the responsibility of the new owner.

Waste Discharge Requirements Order 91-178 for TVG and Oberti prescribes requirements and contained a time schedule for addressing various issues regarding the former olive processing operations and wastewater disposal. Special Order 93-201, which amended Order 91-178, extended the deadline by which TVG and Oberti were required to cease the discharge of pumped groundwater to the two sets of disposal ponds. TVG and Oberti are no longer associated with the Site. Cease and Desist Order 5-01-191 required COG to cease discharging waste contrary to waste discharge requirements, specifically Order 91-178 and Special Order 93-201. COG is no longer associated with the Site.

A public hearing concerning this matter will be conducted during the Central Valley Water Board meeting which is scheduled for:

DATES: 7, 8, and 9 October 2009
TIME: 8:30 am
PLACE: Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200 Rancho Cordova, CA.

Comment [S1]: Three potential days

The designated parties for this hearing are as follows:

- Central Valley Water Board staff
- Gary Oberti
- Dennis Woods (United Security Bank)
- Michael Hat
- Todd Spencer (IronhorseOberti, LLC)

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board staff no later than **5:00 PM on 17 September 2009**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.

Comment [EGW2]: Make sure dates are adjusted

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Persons wishing to comment on this noticed hearing item must submit testimony, evidence, if any, and/or comments in writing to the Central Water Board staff no later than **5:00 PM on 17 September 2009**. Written testimony, evidence, or comments submitted after **5:00 PM on 17 September 2009** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party. The noticed hearing will address only the proposed order rescinding the CDO and accordingly only testimony, evidence, or comments concerning the proposed rescission will be considered.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Central Valley Water Board Chair.

Anyone having questions on the proposed Order should contact Khalid Durrani at (559) 445-6191.

Interested parties may download the proposed Order from the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders.

Copies of the documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 1685 E St., Fresno, California 93706, weekdays between 8:00 a.m. and 5:00 p.m., excepting the first, second, and third Friday of each month.

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code Section 11500 et seq. The procedures are available at http://www.waterboards.ca.gov/laws_regulations/. Information on meeting and hearing procedures is available on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzarda at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzarda at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring this information to the attention of anyone you know who would be interested in this matter.

CLAY RODGERS, Senior Engineering Geologist