

**Regional Water Quality Control Board
Central Valley Region**

Board Meeting – 07, 08 June 2012

**Response to Written Comments on
Tentative Waste Discharge Requirements
for
California Olive Ranch
Artois Mill and Ranch
Glenn County**

04 May 2012

At a public hearing scheduled for 07/08 June 2012, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative Waste Discharge Requirements for California Olive Ranch Artois Mill and Ranch in Glenn County. This document contains responses to comments received from Jo Anne Kipps (private citizen) in response to the Tentative Orders. Written comments from designated/interested parties were required to be received by the Central Valley Water Board by 28 April 2012 in order to receive full consideration. Comments were received from:

1. Jo Anne Kipps (private citizen)– received on 28 April 2012

Written comments are summarized below, followed by the response of Central Valley Water Board staff.

JO ANNE KIPPS, PRIVATE CITIZEN

JO ANNE KIPPS – COMMENT #1: Revise Finding 32 to change the complexity rating of the Discharger from C to B.

Section 2200 defines Category C dischargers as “dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.” While the Discharger relies on passive land treatment for final treatment and disposal of its processing wastewater, it does so only after subjecting it to several physical treatment systems to reduce the concentrations of waste constituents in the discharge prior to land disposal. The Tentative Order recognizes the necessity of these physical treatment systems by including Discharge Specification B.3, which requires the Discharger to “operate all systems and equipment to maximize treatment of wastewater and optimize the quality of the discharge.” Accordingly, the Tentative Order should classify the Discharger’s complexity as “B,” which Section 2200 defines as: “Any discharger not included in Category A that has physical, chemical, or biological treatment systems....” This change will result in the Discharger paying higher annual fees. California’s Regional Water Boards are chronically underfunded for core regulatory work. While it may be politically expedient

for the Central Valley Water Board to decrease this particular Discharger's annual fee by incorrectly applying the threat and complexity definitions in Section 2200 (e.g., to show the regulated community that the Central Valley Water Board is friendly to business in these difficult economic times), such an action decreases the amount of funding available for Board staff to perform core regulatory work.

RESPONSE: Central Valley Water Board staff does not concur with the requested change. The Facility utilizes "passive treatment" or "screening and settling" to remove solids. Category C complexity is described as "...dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal." The facility meets both portions of the definition of Category C. This is consistent with recently-adopted orders.

JO ANNE KIPPS – COMMENT #2: Include a finding that identifies the Discharger's facility and disposal area relative to the 100-year flood plain. If the Discharger is unable to immediately comply with Discharge Specification B.5, include a provision establishing a time schedule for compliance.

Waste discharge requirements orders for land disposal typically require dischargers to design, construct, operate, and maintain all waste conveyance, treatment, storage, and disposal units to prevent inundation or washout due to floods with a 100-year return frequency. The Tentative Order is no exception (Discharge Specification B.5). These orders also typically contain a finding disclosing whether or not the Discharger's waste treatment facility and disposal area are within a 100-year flood plain. The Tentative Order does not. This makes it difficult for the reviewing public to assess whether the Discharger can comply with Discharge Specification B.5 immediately upon Order adoption.

RESPONSE: Central Valley Water Board staff concurs and have added a finding (Finding #37) regarding the 100-year flood plain as follows:

All portions of the facility (including the oil processing/storage buildings and wastewater storage tanks) are located within the 100-year flood plain. However, the processing and oil storage buildings were designed to be two feet above the 100-year flood elevation. This Order contains a Provision that includes a time-schedule for the wastewater storage tanks to be protected from a 100-year flood event. Portions of the land application area are located within the 100-year flood plain; however, Land Application Area Specifications (No. 7) prohibits discharge of wastewater when the ground is saturated.