

ITEM: 9

SUBJECT: Morning Star Packing Company, L.P. and Fred Gobel, The Morning Star Tomato Packing Plant, Colusa County

BOARD ACTION: *Consideration of Revised Waste Discharge Requirements*

BACKGROUND: The Morning Star Packing Company, L.P. submitted a Report of Waste Discharge that describes facility improvements made to its Williams tomato processing facility to comply with Cease and Desist Order (CDO) R5-2005-0003. CDO R5-2005-0003 was adopted due to discharges of wastewater to surface water, non-compliance with the dissolved oxygen requirement, evidence of groundwater degradation, and over-application of nitrogen and salts to the LAAs. The facility consists of a tomato processing facility, an unlined Settling Pond and Cooling Pond, and 695 acres of land application area (LAA). Crops and vegetation (which include pasture grasses for cattle grazing) are grown in the LAAs. Cattle grazing began in 2005. The facility is regulated under Waste Discharge Requirements (WDRs) Order 95-160, which allows a maximum discharge from the Settling Pond not to exceed 4.3 million gallons per day (mgd) and a maximum discharge to the Cooling Pond not to exceed 58 mgd.

ISSUES: On 30 October 2013, Morning Star submitted written comments on the proposed Order. Several revisions were made to address the comments; however, some issues remain:

1. Morning Star disagrees that the discharge has caused degradation and pollution.
2. Morning Star requests that storm water be allowed to runoff from the LAAs and drain offsite once the first 2-inches of rainfall has been returned to the LAAs and runoff from the next rainfall event has been determined to be similar and/or better quality than the water collected in the CGID drain.
3. Morning Star requests that Settling Pond solids be applied to the LAAs and used to rebuild farm roads at the site.
4. Morning Star requests a 139 lb/ac/day cycle average BOD loading limit.
5. Revisions to Land Application Area Specification F.9 (now F.11) regarding application to the LAA within, during, and after measurable rainfall were not made as requested.

A detailed response to all the comments is included in the Board's agenda package.

RECOMMENDATION: Staff recommends adoption of the proposed Order.

Mgmt. Review RDB
Legal Review PEP

5/6 December 2013
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