

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2014-__

RESCISSION OF CEASE AND DESIST ORDER R5-2005-0003
FOR
THE MORNING STAR PACKING COMPANY, L.P.
THE MORNING STAR WILLIAMS TOMATO PACKING PLANT
COLUSA COUNTY

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

1. On 27 January 2005, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2005-0003 for the Morning Star Packing Company Williams Tomato Packing Plant, which is owned and operated by The Morning Star Packing Company, L.P. (hereafter Discharger).
2. The Central Valley Water Board adopted CDO R5-2005-0003 to address wastewater discharges to surface waters that occurred during August and September 2004. In addition, the CDO was issued for failure to comply with provisions of the WDRs and evidence of groundwater degradation.
3. CDO R5-2005-0003 required the Discharger to complete the following tasks:
 - a. Comply with all aspects of the WDRs Order 95-160 (or subsequent WDRs that rescind and replace Order No. 95-160).
 - b. Comply with the application of irrigation water to the land application areas at agronomic rates to ensure that loading rates for biochemical oxygen demand do not exceed 100 pounds per acre per day or 300 pounds per acre per irrigation cycle.
 - c. Submit a *2005 Cropping Plan* that describes how the fields will be planted with suitable crops and managed such that the use of available cropland is maximized, the crops are established prior to the beginning of the discharge season, and the crops are actively growing throughout the discharge season.
 - d. Submit a *Dissolved Oxygen Compliance Report* that contains a feasibility study of methods necessary to ensure that the waste in the settling pond continually meets the dissolved oxygen requirements described in Discharge Specification B.3 of the WDRs, and the preferred alternative for achieving compliance.
 - e. Submit a *Salinity Reduction Study Workplan* that includes a discussion of all chemicals used at the facility, including chemical characterization and estimated generation rate for each identified waste stream. In addition, the workplan shall include the methods available to reduce the concentration of total dissolved solids in each wastewater stream discharged to the settling pond and cooling ponds.

- f. Submit a *Salinity Reduction Study Report* that provides a discussion of salinity study results.
 - g. Submit a *Flow Metering Systems Improvements Report* that describes the construction, and operation of flow metering systems that provide continuous, direct flow measurement and accurate calculation of daily total flows: combined flow from the settling pond and plant floor, flow from the cooling water pond, and the total flow applied to the cropland.
 - h. Submit a report verifying that the flow metering systems are adequate and fully operational.
 - i. Submit a *Field MS-11 Irrigation System Report* that documents the management and/or physical changes that have been made to the field to prevent any residual wastewater or wastewater solids in the head ditch from being discharged offsite when freshwater is supplied to the downstream farmer.
 - j. Submit a report showing the results of the salinity reduction study.
 - k. Submit a *Background Groundwater Quality Study and Groundwater Impacts Assessment Report* that presents a summary of all historical monitoring data, calculation of the concentration in background monitoring wells, and comparison of background groundwater quality to that in wells used to monitor the ponds and land application areas.
 - l. Submit a Report of Waste Discharge (RWD) to allow Board staff to prepare updated Waste Discharge Requirements. The RWD shall include a detailed description of all improvements required to comply with this Order and prevent groundwater degradation, including those already implemented and those planned for future implementation.
 - m. Submit quarterly progress reports describing work completed.
4. The Discharger has achieved compliance by completing all of the tasks in CDO R5-2005-0003.
 5. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to rescind CDO R5-2005-0003 and has provided them with an opportunity for a public hearing and an opportunity for them to submit their written views and recommendations.
 6. Cease and Desist Orders are issued by the Central Valley Water Board to enforce underlying permit obligations. The issuance and rescission of this CDO is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321(a)(2).

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The Morning Star Williams Tomato Packing Plant
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7. The Central Valley Water Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.

IT IS HEREBY ORDERED that Cease and Desist Order R5-2005-0003 is rescinded.

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 xx February, 2014.

PAMELA C. CREEDON, Executive Officer