

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

ORDER NO. R7-2005-0098

WASTE DISCHARGE REQUIREMENTS  
FOR  
IMPERIAL VALLEY CHEESE OF CA, OWNER  
JAMES KUHN, PRESIDENT, KUHN FARMS, OPERATOR  
IRRIGATION OF FIELDS  
El Centro – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region finds that:

1. On April 18, 2003, Imperial Valley Cheese of CA (hereinafter referred to as the discharger), 1870 Jeffery Road, El Centro, California 92243, submitted an application General Information Form for Waste Discharge Requirements (WDR) Order for irrigation of fields located adjacent to its cheese manufacturing facility.
2. The discharger owns a wastewater collection and disposal system serving its' cheese manufacturing facility, and also accepts wastewater from K&F Dairy. Wastewater from the cheese manufacturing facility is collected in a 100,000-gallon tank before being pumped to adjacent fields, owned by the discharger. Discharges from this facility consist of 60,000 gallons-per-day (gpd) of wash water, and 20,000 gpd of cheese whey. Discharge of the wastewater is utilized for irrigation of nearby discharger owned croplands.
3. James Kuhn, President of Kuhn Farms, is the operator of 283 acres owned by the discharger, where wastewater from the dischargers' facility is blended with wastewater from K&F Dairy and clean irrigation water. The blended waters are then applied as irrigation water / nutrients to selected crops.
4. K&F Dairy is currently regulated under the General National Pollutant Discharge Elimination System (NPDES) Permit and General Waste Discharge Requirements for Confined Animal Feeding Operations, Order No. 01-800
5. A Comprehensive Nutrient Management Plan addressing the agronomic use of wastewaters from both K&F Dairy, and Imperial Valley Cheese of CA, was submitted to the Regional Board on May 10, 2005.
6. The monitoring and reporting requirements in Monitoring and Reporting Program No. R7-2005-0098 are necessary to determine compliance with these waste discharge requirements and to determine the facility's impacts, if any, on receiving water.
7. This discharge was previously subject to Waste Discharge Requirements adopted in Board Order No. 98-074.
8. This Board Order updates the waste discharge requirements to comply with the current laws and regulations as set forth in the California Water Code and the California Code of Regulations.
9. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), as amended to date, designates the beneficial uses of ground and surface waters in this Region.

10. The beneficial uses of ground waters in the Imperial Hydrologic Unit are:
  - a. Municipal supply (MUN)
  - b. Industrial supply (IND)
11. There are no domestic wells within 1,000 feet of the irrigated fields described in Findings No. 2 & 3, above.
12. Within the Imperial Valley area of the Imperial Hydrologic Unit, most of the ground water is too saline for municipal use. The "Sources of Drinking Water Policy" adopted by the State Water Resources Control Board on May 19, 1998 states that "All surface and ground waters are considered to be suitable, or potentially suitable, for municipal or domestic water supply with the exception of: surface or ground waters where the TDS exceed 3,000 mg/L, and it is not reasonably expected by the Regional Board to supply a public water system. Data from nearby monitoring wells has been collected since 1991 and shows total dissolved solids (TDS) results are consistently greater than 4,000 mg/L.
13. The Imperial County Planning Department has determined that the agronomic use of wastewaters from the cheese processing operation will not have a significant impact on the environment. This finding was made pursuant to the provisions of the California Environmental Quality Act (CEQA).
14. The discharger states there are no storm water discharges from this site. Therefore, a National Pollutant Discharge Elimination System (NPDES) Permit for storm water discharges is not necessary for this facility.
15. In accordance with Section 15301, Chapter 3, Title 14 of the California Code of Regulations, the issuance of these Waste Discharge Requirements, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.)
16. The Board has notified the discharger and all known interested agencies and persons of its intent to adopt waste discharge requirements for this discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
17. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

A. Effluent Limitations

1. Wastewater effluent discharged from this facility shall not be applied to fields in excess of the agronomic rates established in the Comprehensive Nutrient Management Plan (CNMP) approved by the Executive Officer.
2. The effluent discharge values for pH shall not be below 6.0 or above 9.0.

B. Prohibitions

1. The direct discharge of any wastewater from the facility to any surface waters or surface drainage courses is prohibited.

2. The discharge of waste to land not owned or controlled by the discharger is prohibited.
3. Discharge of wastewater at a location or in a manner different from that described in Finding Nos. 2 and 3, above, is prohibited. This prohibition does not limit the flexibility in discharging different percentages of wastewaters.
4. The discharger shall not dispose of wastewaters in excess of the agronomic application rates established by the CNMP.
5. The discharger shall at no time direct wastewater to fields, which are not actively growing crops.

C. Specifications

1. The treatment or disposal of wastes from the facility shall not cause pollution or nuisance as defined in Section 13050(l) and 13050(m) of Division 7 of the California Water Code.
2. Discharge of wastewater shall not result in surface runoff from irrigated lands, and shall be managed to minimize percolation to the groundwater. Liquids must be applied at rates compatible with the infiltration characteristics on the soils, determined by the most recent soil samples.
3. On-site wastes, including windblown spray from irrigation water application, shall be strictly confined to the lands specifically designated for the disposal operation, and on-site irrigation practices shall be managed so there is no runoff of effluent from irrigated areas.

D. Provisions

1. The discharger shall comply with "Monitoring and Reporting Program No. R7-2005-0098, and future revisions thereto, as specified by the Regional Board's Executive Officer.
2. The discharger shall develop and implement a Salt Management Plan (SMP) acceptable to the Executive Officer, which employs all practicable/reasonable Best Management Practices (BMPs) to minimize the salt content of wastewater being discharged from the facility. The SMP shall be submitted to the Regional Board's Executive Officer for approval within 60 days from the date this Board Order is adopted, and shall be fully implemented within 30 days, following plan approval by the Executive Officer.
3. The discharger shall fully implement the Comprehensive Nutrient Management Plan (CNMP) within 30 days of the adoption of this permit.
4. Prior to any modifications in this facility, which would result in material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the discharger shall report all pertinent information in writing to the Regional Board and obtain revised requirements before any modifications are implemented.
5. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.
6. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
7. This Board Order does not authorize violation of any federal, state, or local laws or regulations.

8. The discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
9. The discharger shall, at all times, properly operate and maintain all systems and components of collection and control which are installed or used by the discharger to achieve compliance with the conditions of this Board Order. Proper operation and maintenance includes effective performance, adequate process controls and appropriate quality assurance procedures. All systems both in service and reserved, shall be inspected and maintained on a regular basis. Records shall be kept of the inspection results and maintenance performed and made available to the Regional Board upon demand.
10. The discharger shall report any noncompliance that may endanger human health or the environment. The discharger shall immediately report orally information of the noncompliance as soon as (1) the discharger has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, to the Regional Board office and the Office of Emergency Services. During non-business hours, the discharger shall leave a message on the Regional Board office voice recorder. A written report shall also be provided within five (5) business days of the time the discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance. The discharger shall report all intentional or unintentional sewage spills in excess of one thousand (1,000) gallons occurring within the facility or collection system to the Regional Board office in accordance with the above time limits.
11. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
  - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order;
  - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
  - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
12. The discharger shall comply with the following:
  - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - b. The discharger shall retain records of all monitoring information, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least 5 years from the date of the sample, measurement, report or application.

- c. Records of monitoring information shall include:
  - 1. The date, exact place, and time of sampling or measurements.
  - 2. The individual(s) who performed the sampling or measurements.
  - 3. The date(s) analyses were performed.
  - 4. The individual(s) who performed the analyses.
  - 5. The analytical techniques or methods used; and
  - 6. The results of such analyses.
  
- d. The discharger shall maintain on-site records of the following:
  - 1. Analysis of combined waters to determine nitrogen, phosphorus, Biochemical Oxygen Demand, pH, Total Dissolved Solids, Suspended Solids, and Flow;
  - 2. Analysis of soil in all fields where land application activities are conducted to determine phosphorus content;
  - 3. Operation and Maintenance activities;
  - 4. Documentation of all corrective actions taken
  - 5. Documentation of all overflows from all manure and wastewater storage structures including:
    - a. Date and time of overflow;
    - b. Estimated volume of overflow
  
- 13. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.
  
- 14. The discharger is the responsible party for the waste discharge requirements and the monitoring and reporting program for the facility. The discharger shall comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board.
  
- 15. The discharger shall provide adequate notice to the Regional Board's Executive Officer of the following:
  - a. Any new introduction of pollutants into any of the treatment facilities described in the Findings of this Board Order from an indirect discharger which would be subject to Section 301 or 306 of the Clean Water Act, if it were directly discharging the pollutants.
  - b. Any substantial change in the volume or character of pollutants being introduced into any of the treatment facilities described in the Findings of this Board Order by an existing or new source.

- c. Any planned physical alterations or additions to the facilities described in this Board Order, or changes planned in the discharger's sludge use or disposal practice, where such alterations, additions, or changes may justify the application of Board Order conditions that are different from or absent in the existing Board Order, including notification of additional disposal sites not reported during the Board Order application process, or not reported pursuant to an approved land application plan.
16. The discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the discharger's next scheduled self-monitoring report or earlier if requested by the Regional Board's Executive Officer.
  17. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
  18. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
  19. This Board Order may be modified, rescinded and reissued, for cause. The filing of a request by the discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Board or the Regional Board, including revisions to the Basin Plan.

I, Robert Perdue, 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, Colorado River Basin Region, on \_\_\_\_\_.

Ordered By: \_\_\_\_\_  
 ROBERT PERDUE  
 Executive Officer

\_\_\_\_\_  
 Date

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

MONITORING AND REPORTING PROGRAM NO. R7-2005-0098  
FOR  
IMPERIAL VALLEY CHEESE OF CA, OWNER  
JAMES KUHN, PRESIDENT, KUHN FARMS, OPERATOR  
IRRIGATION OF FIELDS  
El Centro - Imperial County

Location of Discharge: NW ¼ of Section 19, T2N, R9E, SBB&M (Irrigated Fields)

MONITORING

1. The collection, preservation and holding times of all samples shall be in accordance with United States Environmental Protection Agency (USEPA) approved procedures. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted by a laboratory certified by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of the "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), promulgated by the USEPA.
2. Samples shall be collected at the location specified in the Permit. If no location is specified, sampling shall be conducted at the most representative sampling point available.
3. If the facility is not in operation, or there is no discharge during a required reporting period, the discharger shall forward a letter to the Regional Board indicating that there has been no activity during the required reporting period.

EFFLUENT MONITORING

Waters used for irrigation shall be monitored at a point after wastewaters from Imperial Valley Cheese, K & F Dairy, and clean irrigation water have been combined, and representative samples of the waters used for irrigation can be obtained. The combined waters shall be monitored for the following constituents:

<u>Constituents</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>	<u>Reporting Frequency</u>
Volume of wastewater used for irrigation	gpd <sup>1</sup>	Flow meter reading	Daily <sup>2</sup>	Monthly
pH	pH units	Grab	Weekly	Monthly
20°C BOD <sub>5</sub>	mg/L	Grab	Monthly	Monthly

Type of                      Sampling                      Reporting

<sup>1</sup> Gallons per day

<sup>2</sup> Reported for each day with average monthly flow calculated.

<u>Constituents</u>	<u>Units</u>	<u>Sample</u>	<u>Frequency</u>	<u>Frequency</u>
Suspended Solids	mg/L	Grab	Monthly	Monthly
Total Dissolved Solids	mg/L	Grab	Monthly	Monthly
Total Nitrogen	mg/L	Grab	Monthly	Monthly
Total Phosphate	mg/L	Grab	Monthly	Monthly

The discharger shall provide the location of all fields being irrigated, and the types of crops being grown at individual fields. An irrigation schedule must be completed and documented, with the documentation maintained on-site.

### TILE WATER MONITORING

Discharges to surface waters from tile-water drains from each field accepting wastewaters from Imperial Valley Cheese during the reporting period, shall be monitored for the following constituents:

<u>Constituents</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>	<u>Reporting Frequency</u>
Volume of wastewater	gpd	Meter Reading <sup>3</sup>	Weekly	Monthly
pH	pH units	Grab	Monthly	Monthly
20°C BOD <sub>5</sub>	mg/L	Grab	Semi-annually	Monthly
Suspended Solids	mg/L	Grab	Monthly	Monthly
Total Dissolved Solids	mg/L	Grab	Monthly	Monthly
Total Nitrogen	mg/L	Grab	Monthly	Monthly
Total Phosphate	mg/L	Grab	Monthly	Monthly

### SOIL AND CROP MONITORING

Prior to each planting season, at least two soil samples will be taken from each field receiving wastewaters to determine nitrogen and phosphorus content. Each sample shall be taken from 20 or more places in the field in a zigzag pattern away from roads and manure piles. Samples shall be taken with a soil auger, tube or spade 6-8 inches deep.

Plants shall be sampled at each cutting to determine actual nutrient uptake.

Test results from soil and crop monitoring must be maintained on-site for a period of five years.

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<sup>3</sup> Tile water flow may be calculated from pump run times of electrical usage

## OPERATION AND MAINTENANCE

The discharger shall report the following:

<u>Activity</u>	<u>Reporting Frequency</u>
To inspect and document any operation/maintenance problems by inspecting each unit process. In addition, calibration of any flow meters and equipment shall be performed in a timely manner and documented.	Annually
Report the results of soil and crop monitoring, along with an explanation of any adjustments made to field loadings as a result of this monitoring, shall be documented and reported to the Regional Board.	Annually
Report a summary of annual field operations, including fields utilized, crops grown, and effluent loading per field, shall be submitted to the Regional Board.	Annually

## REPORTING

1. The discharger shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with waste discharge requirements.
2. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurement(s);
  - b. The individual(s) who performed the sampling or measurement(s);
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or method used; and
  - f. The results of such analyses.
3. The results of any analysis taken, more frequently than required at the locations specified in this Monitoring and Reporting Program shall be reported to the Regional Board.
4. Identification of the crop planted in each field, and the expected yield for each crop.
5. Monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this monitoring report.
6. Each report shall contain the following statement:

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations".

7. A duly authorized representative of the discharger may sign the documents if:
  - a. The authorization is made in writing by the person described above;
  - b. The authorization specified an individual or person having responsibility for the overall operation of the regulated disposal system; and
  - c. The written authorization is submitted to the Regional Board's Executive Officer.
8. Reporting of any failure in the facility (collection and disposal systems) shall be as described in Provision No. 10. Results of any analysis performed as a result of a failure shall be provided within ten (10) days after collection of the samples.
9. The discharger shall attach a cover letter to the Self Monitoring Report. The information contained in the cover letter shall clearly identify violations of the WDRs, discuss corrective actions taken or planned and the proposed time schedule of corrective actions. Identified violations should include a description of the requirement that was violated and a description of the violation.
10. Monthly monitoring reports and semi-annual data shall be submitted to the Regional Board by the first day of second calendar month following month of sampling. Annual monitoring reports shall be submitted to the Regional Board by February 1<sup>st</sup> of the following year.
11. Submit monitoring reports to:

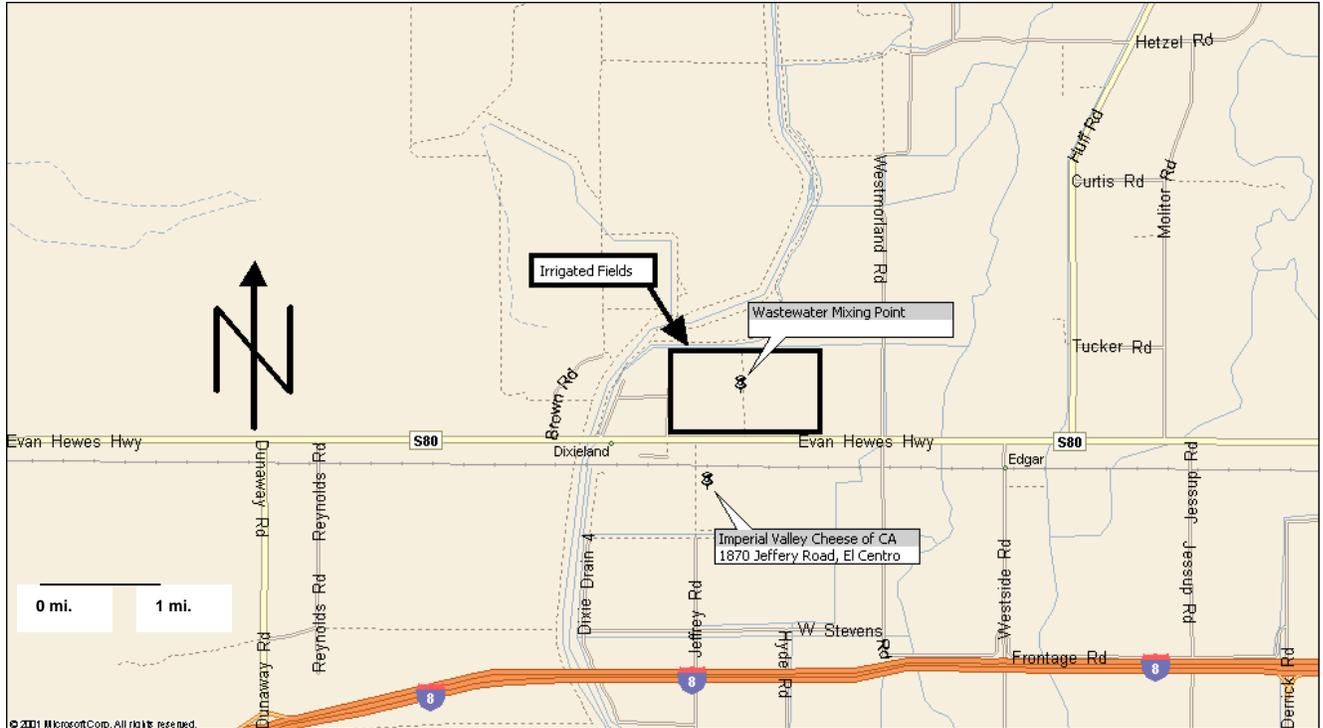
California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring, Suite 100  
Palm Desert, CA 92260

Ordered By:

\_\_\_\_\_  
ROBERT PERDUE  
Executive Officer

\_\_\_\_\_  
Date

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**



**SITE MAP**

**IMPERIAL VALLEY CHEESE OF CA, OWNER  
JAMES KUHN, PRESIDENT, KUHN FARMS, OPERATOR  
IRRIGATION OF FIELDS  
El Centro – Imperial County**

**NW ¼ of Section 29, T2N, R9E, SBB&M (Manufacturing Facility)  
NW ¼ of Section 19, T2N, R9E, SBB&M (Irrigated Fields)**

**Board Order No. R7-2005-0098**