CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6V-2010-0019
WDID NO. 6B360704003

WASTE DISCHARGE REQUIREMENTS
FOR

GREEN VALLEY FOODS PRODUCTS, INC., AND HECTOR HUERTA
CHEESE PROCESSING FACILITY,
CLASS II SURFACE IMPOUNDMENT

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Water Board), finds that:

1. Report of Waste Discharge

Green Valley Foods Products, Inc., (Green Valley Foods) has discharged wastes for over ten years without filing a Report of Waste Discharge to the Water Board. After receiving a request from the Water Board, Green Valley Foods submitted an initial permit application/Report of Waste Discharge (RWD) on April 6, 2007. Water Board staff reviewed the RWD and notified Green Valley Foods that it was incomplete. A series of submittals by Green Valley Foods and responses by Water Board staff were exchanged between April 2007 and July 2009; however, the RWD remains incomplete because the submitted design of the Surface Impoundment is insufficient to contain the proposed discharge. The Water Board is imposing these waste discharge requirements pursuant to Water Code Section 13263(d).

2. Discharger

Hector Huerta, landowner, and Green Valley Foods, is hereafter referred to as the "Discharger." The Discharger owns and operates a cheese manufacturing plant that processes milk (both liquid and solid) into rounds of Mexican style hard cheese called Cotija.

3. Facility

The cheese manufacturing plant consists of two parcels located at 25660 and 25684 Community Drive in Barstow (Assessor's Parcel Numbers 0497-221-13-0-000 and 0497-221-14-0-000, respectively), as shown on Attachment A, which is made a part of this Order. Parcel 0497-221-13-0-000 is currently used for wastewater disposal to land. Parcel 0497-221-14-0-000 contains the food processing operations, unpaved access roads, employee parking, four residential houses, and the domestic water supply well that provides the water to both the cheese manufacturing plant and the residences. The Discharger reports that the cheese manufacturing plant has been in operation for over ten years. Operations of the cheese manufacturing plant results in the discharge of up to 10,000 gallons of wastewater per day to the

currently vacant parcel. The Discharger has proposed to discontinue this practice and restrict wastewater discharge to one Surface Impoundment. For the purposes of this Order, the Surface Impoundment, the cheese manufacturing plant, and related piping and appurtenances will be referred to herein as the Facility. Land use within 1,000 feet of the Facility includes residential, dairy, and agriculture.

4. Enforcement History

On December 10, 2007, the Executive Officer ordered the Discharger to submit Technical Reports pursuant to California Water Code (CWC), section 13267 to determine if discharges from the Facility have polluted or threaten to pollute groundwater. The groundwater data submitted in response to this Order indicate that the Discharger's current discharge practice has likely caused or contributed to groundwater pollution with respect to iron, nitrates, specific conductance, total dissolved solids (TDS), and volatile organic compounds (VOCs).

5. Order History

These are new Waste Discharge Requirements (WDRs) for the Facility.

6. Reason for Action

The Discharger's wastewater discharge to land is not currently regulated by WDRs. The disposal of wastewater to land surface and percolation to groundwater at the volume and concentration reported in the RWD has likely caused groundwater quality to exceed water quality objectives (WQOs). The continued operation of the Facility must be protective of groundwater quality and beneficial uses. To that end, the Water Board is requiring the Discharger to contain Facility wastewater in a lined Class II Surface Impoundment in accordance with California Code of Regulations (CCR), title 27, section 20210.

7. Wastewater Characterization

Wastewater discharged from the Facility consists of water and cleaning solution used for cleaning the cheese-making equipment and the rinsate from the milk delivery truck discharge spigots. Currently, the solids washed off of the equipment, the water and cleaning solution used to clean the equipment, and the rinsate from the milk delivery truck discharge spigots are commingled in an underground storage tank, pumped to a nearby vacant parcel, and discharged to the ground.

Wastewater from the Facility was sampled by Water Board staff on February 9, 2007. Two samples were collected: one of the effluent flowing from the discharge pipe, and one of the wastewater that had ponded at the discharge location. The Discharger collected an additional wastewater sample from the Facility on December 18, 2008. Analytical results from this sampling event were provided to Water Board

staff on February 2, 2009. The analytical results of all sampling efforts are presented in Table 1.

8. Waste Classification

Based on the analytical results presented in Table 1, the discharge from the Facility is classified as a designated waste. Designated waste is defined in CWC, section 13173, subdivision (b) as "nonhazardous waste that consists of, or contains, pollutants that, under ambient environmental conditions at a waste management unit, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan." Continued discharge of waste at these concentrations, specifically chloride, total and fecal coliform, fluoride, iron, pH, specific conductance, total dissolved solids, and volatile organic compounds, without containment or treatment will continue to violate water quality objectives for the receiving water.

9. Waste Management Unit Classification

The discharge from this Facility must be fully contained in a Class II waste management unit, as defined in CCR, title 27, section 20250. Residual solids are to be removed from the Surface Impoundment as part of routine maintenance. Any solids collected from the discharge must be disposed at a Class II waste management unit.

10. Description of Surface Impoundment

CCR, title 27, section 20210 requires that a Class II Surface Impoundment be designed to completely contain the waste. The Surface Impoundment must be: (a) double-lined with a no less than 1×10^{-6} cm/sec permeability, (b) equipped with a leachate collection and removal system (LCRS), (c) able to contain the additional volume of water from a 1,000-year, 24-hour storm event, in addition to the maximum design volume, while maintaining two feet of freeboard, (d) able to withstand seismic shaking from a maximum credible earthquake, and (e) installed, tested, and inspected in accordance with an accepted Construction Quality Assurance Plan.

Table 1 – Wastewater Discharge Sample Results

Constituent	Units	Ponded Effluent Concentration, 2/6/2007	Effluent Discharge Pipe Concentration, 2/9/2007	Discharge Concentration, 12/18/2008	MCL
Ammonia – Nitrogen	mg/L	85	24	6.1	NE
Barium	µg/L	130	160	110	1,000
BOD (Biological Oxygen Demand)	mg/L	12,000	>2,500	2,200	NE
Calcium	mg/L	210	220	120	NE
COD (Chemical Oxygen Demand)	mg/L	15,000	26,000	3,900	NE
Chloride	mg/L	**6,600**	**2,600**	**1,500**	250
Coliform, Fecal	MPN/ 100 ml	**>1,600**	NA	NA	1.1MPN /100ml[2]
Coliform, Total	MPN/ 100 ml	**>1,600**	**Present[1]**	NA	1.1MPN /100ml[2]
Fluoride	mg/L	**400**	**180**	0.4	2
Hardness	mg/L	700	670	410	NE
Iron	µg/L	**3,900**	**2,000**	170	300
Kjeldahl Nitrogen	mg/L	290	140	76	NE
Magnesium	mg/L	41	30	23	NE
Manganese	µg/L	15	<50	13	50
Nitrate (As N)	mg/L	3.0	4.1	0.8	10
Orthophosphate Phosphorous	mg/L	260	220	19	NE
pH	units	**3.96**	**4.49**	7.0	6.5-8.5[2]
Potassium	mg/L	440	320	110	NE
Sodium	mg/L	3,800	1,900	970	NE
Specific Conductance	µmhos/ cm	**18,000**	**10,000**	**5,700**	900
Sulfate	mg/L	**260**	230	190	250
TDS (Total Dissolved Solids)	mg/L	**18,000**	**9,800**	**5,100**	500; 1,000; 1,500
Total Phosphorous	mg/L	130	82	29	NE
TSS (Total Suspended Solids)	mg/L	490	720	160	NE
Zinc	µg/L	240	130	27	5,000
Volatile Organic Compounds:					
3&4-Methylphenol	µg/L	<10	15		NE
Acetone	µg/L	4,200	63	150	NE
Bis(2-ethylhexyl)- phthalate	µg/L	**17**	<10	NA	2
Bromodichloromethane	µg/L	<5	1	<5.0	80
Chloroform	µg/L	34	16	<5.0	80

Notes: Bolded values indicate an exceedance of the State maximum contaminant level.
1 Indicates total coliform was detected in the sample.
2 Per the Water Quality Control Plan, Lahontan Region (Basin Plan).

MCL = Maximum contaminant level.
µg/L = Micrograms per liter.
mg/L = Milligrams per liter.
MPN/100 ml = Most probably number per 100 milliliters.
NA = Not analyzed.
NE = MCL not established for this constituent.

11. Engineered Alternative to the Prescriptive Standard for the Surface Impoundment

CCR, title 27, includes prescriptive standards for waste management unit construction and also allows for engineered alternatives to such standards. CCR, title 27, section 20080, subdivisions (b) and (c), require that alternatives shall only be approved where the Discharger demonstrates that: (a) the construction of prescriptive standard is not feasible because it is unreasonably and unnecessarily burdensome and will cost substantially more than alternatives which meet the criteria, or is impractical and will not promote attainment of applicable performance standards; and (b) there is a specific engineered alternative that is consistent with the performance goal of the prescriptive standard and affords equivalent protection against water quality impairment.

The Discharger has proposed an engineered alternative to the prescriptive standard for the Surface Impoundment. However, the proposed design does not provide equivalent protection against water quality impairment because the proposed design is not large enough to contain the volume of the proposed discharge and the proposed design does not include a leachate collection and removal system, as required by CCR, title 27, for Class II Surface Impoundments. The Water Board rejects the Discharger's proposal for an engineered alternative and requires the Discharger to submit a proposed design for the Surface Impoundment that meets the requirements of CCR, title 27.

12. Action Leakage Rate

An action leakage rate (ALR) is based on design dimensions and specifications of a Surface Impoundment, and a 1992 United States Environmental Protection Agency (USEPA) guidance document, *Action Leakage Rates for Leak Detection Systems, Supplemental Background Document for the Final Double Liners and Leak Detection Systems Rule for Hazardous Waste Landfills, Waste Piles, and Surface Impoundments.* An industry standard ALR of no more than 20 gallons/day/acre through the upper liner of the double-lined Surface Impoundment into a leachate collection sump must be included in the Surface Impoundment Design Plans for this Facility.

This Order requires the Discharger to immediately take steps to locate and repair leak(s) in the liner system and notify the Water Board if the ALR is exceeded and to cease discharge and submit a time schedule for installation of a new liner if repairs do not result in a leakage rate less than the ALR.

13. Climate

Precipitation in the area of the Facility is less than five inches annually. The average surface evaporation rate is approximately 80 inches annually according to the United

States Department of Agriculture (USDA) Soil Conservation Service. The area typically has hot summers and mild winters. The Western Regional Climate Center, Barstow station, reports an average summer high of 109.6 degrees Fahrenheit and an average winter high of 64.2 degrees Fahrenheit.

14. Site Topography

The topography of the site is gently sloping downward to the east, with an elevation of 2,178 feet above mean sea level in the west and 2,175 feet above mean sea level in the east.

15. Site Geology

Surficial soils at the Facility are sandy soils. The soils in the vicinity of the current wastewater discharge to land are indurated (cemented) to an unknown depth, likely due to salt-cementation when liquids evaporate and leave residual salt in soil pore spaces. Subsurface soils are poorly sorted, fine- to coarse-grained sand to sandy gravel, with some cobble layers.

The Lenwood-Lockhart fault zone, Lenwood Section, is approximately two miles south of the facility and is the closest Holocene fault. Dextral slip is between 0.2 and 1.0 millimeters per year (mm/yr), but can occur at greater values when triggered by other seismic events.

16. Site Hydrogeology and Hydrology

The Facility site is located approximately ¾ mile north of the Mojave River, but the site is not located within a 100-year floodplain of the river. Groundwater beneath the Facility is encountered at approximately 65 feet below ground surface.

17. Groundwater Quality

The Discharger has been discharging wastewater to ground for over a decade. The Discharger conducted an investigation to determine if discharges from the Facility have polluted or threaten to pollute groundwater. As part of that investigation, five monitoring wells were installed in and around the current area of discharge. The groundwater data submitted as a result of that investigation indicate that the Discharger's current practice has likely caused or contributed to groundwater pollution with respect to iron, nitrates, specific conductance, total dissolved solids (TDS), and volatile organic compounds (VOCs). Sampling results from this groundwater investigation are presented in Table 2. Due to a limited data set, the extent of the Discharger's contribution to groundwater pollution has not yet been fully determined. Groundwater flow velocity has not yet been determined at this site. Regional groundwater flow direction is believed to be influenced by the nearby

Mojave River, but is overall to the east-southeast. However, it is evident that the groundwater in the vicinity of the Facility has been negatively impacted.

Because the current discharge is essentially upgradient of the proposed Surface Impoundment location, additional monitoring wells will need to be installed to adequately characterize the background water quality upgradient of the proposed Surface Impoundment.

Table 2. Groundwater Investigation Results

	Units	MW-1	MW-2	MW-3	MW-4	MW-5	MCL
Screen Interval	ft bgs	60-80	60-80	60-80	60-80	60-80	
Depth to Water	ft	61.65	60.52	63.50	62.10	64.28	
Alkalinity, Total	mg/L	280	120	260	220	180	NE
Ammonia – Nitrogen	mg/L	0.11	<0.1	<0.1	<0.1	<0.1	NE
Barium	µg/L	180	<100	130	150	110	1000
Bicarbonate	mg/L	340	150	320	270	220	NE
BOD (Biological Oxygen Demand)	mg/L	<5	<5	<5	<5	<5	NE
COD (Chemical Oxygen Demand)	mg/L	17	13	24	28	13	NE
Chloride	mg/L	200	65	**250**	150	170	250
Coliform, Fecal	MPN/ 100 ml	<2	27	8	23	<2	1.1MPN/ 100ml[1]
Coliform, Total	MPN/ 100 ml	<2	27	8	9000	130	1.1MPN/ 100ml[1]
Fluoride	mg/L	0.6	0.7	0.7	0.5	0.6	2
Iron	µg/L	**7400**	**3600**	**1400**	**2800**	**2400**	300
Manganese	µg/L	**230**	**81**	**59**	**68**	**79**	50
Nitrate (As N)	mg/L	**22**	3.2	**13**	**12**	5.0	10
Kjeldahl Nitrogen	mg/L	<0.1	<0.1	<0.1	<0.1	0.11	NE
Total Nitrogen	mg/L	22	3.2	13	12	5.1	NE
Orthophosphate Phosphorous	mg/L	<0.1	<0.1	<0.1	<0.1	<0.1	NE
pH	units	7	7.6	7.4	7.4	7.2	6.5-8.5[1]
Total Phosphorous	mg/L	0.18	0.13	0.06	0.06	0.12	NE
Potassium	mg/L	6.2	3.5	5.7	5.1	4.5	NE
Sodium	mg/L	170	100	200	140	140	NE
Specific Conductance	umhos /cm	**1800**	**770**	**1900**	**1400**	**1300**	900
TDS (Total Dissolved Solids)	mg/L	**1100**	460	**1200**	**1100**	**790**	500; 1,000; 1,500
TSS (Total Suspended Solids)	mg/L	100	80	49	53	85	NE
Zinc	µg/L	23	16	10	<10	<10	5000

Table 2. Groundwater Investigation Results (continued)

	Units	MW-1	MW-2	MW-3	MW-4	MW-5	MCL
Screen Interval	ft bgs	60-80	60-80	60-80	60-80	60-80	
Depth to Water	ft	61.65	60.52	63.50	62.10	64.28	
Volatile Organic Compounds (VOCs):							
Acetone	µg/L	<5	<5	11	12	6.6	NE
Bromodichloro methane	µg/L	2.7	0.58	1.1	1.6	1	80
Bromoform	µg/L	<0.5	<0.5	<0.5	0.53	<0.5	80
Chloroform	µg/L	17	3.3	3.5	12	5.1	80
Dibromochloro methane	µg/L	1.1	0.5	0.78	0.79	0.73	80

Notes:
Bolded values indicate an exceedance of the MCL.
1 = Per the Water Quality Control Plan, Lahontan Region (Basin Plan).
µg/L =Mmicrograms per liter.
mg/L = Milligrams per liter.
MCL = Maximum contaminant level.
NA = Not applicable.
NE = MCL not established for this constituent.

Groundwater in the vicinity of the Facility is used primarily for domestic and agricultural uses. Water Board staff sampled the domestic groundwater supply well at the Facility on February 9, 2007. This well supplies potable water to four residences on the Facility property and to the cheese manufacturing plant. Private domestic wells, located south of the Facility and Community Boulevard that supply the residences to the southeast (SE) and south (S) of the Facility, were sampled on February 7, 2007, and February 14, 2008. The domestic groundwater supply well at the Facility was sampled again on December 18, 2008. Results of groundwater samples collected from the Facility domestic supply well and other domestic supply wells in the vicinity are presented in Table 3, Groundwater Quality Results, below.

Table 3 – Groundwater Quality Results

Date Sampled		2/9/2007	2/7/2007	2/14/2008	12/18/2008	
Constituent	**Units**	**Facility Domestic Supply Well Concentration[1]**	**Private Domestic Supply Well (Southeast) Concentration[1]**	**Private Domestic Supply Well (South) Concentration[1]**	**Facility Domestic Supply Well Concentration[1]**	**MCL**
Alkalinity, Total	mg/L	180	150	150	NA	NE
Ammonia - Nitrogen	mg/L	<0.1	<0.1	<0.5	<0.1	NE
Antimony	µg/L	<50	<50	<6	NA	6
Arsenic	µg/L	<5	<5	<2	NA	10
Barium	µg/L	140	80	<100	110	1,000
Beryllium	µg/L	<5	<5	<1	NA	4
Bicarbonate	mg/L	180	150	180	NA	NE
BOD	mg/L	<5	<5	<5	<3	NE
Cadmium	µg/L	<10	<10	<1	NA	5
Calcium	mg/L	120	87	59	100	NE
Carbonate	mg/L	<5	<5	<5	NA	NE
COD	mg/L	<7	<7	23	38	NE
Chloride	mg/L	120	100	76	120	250
Cobalt	µg/L	<20	<20	<10	NA	NE
Coliform, Fecal	MPN/100 mL	NA	<2	<2	<1	1.1MPN/100ml[2]
Coliform, Total	MPN/100 mL	Absent	<2	<2	<1	1.1MPN/100ml[2]
Chromium	µg/L	<20	<20	<10	NA	50
Copper	µg/L	<20	<20	<50	NA	1,300
Fluoride	mg/L	0.35	0.62	0.45	0.5	2
Hardness	mg/L	390	290	190	330	NE
Heterotrophic Plate Count	CFU/mL	NA	NA	NA	7.0	NE
Hydroxide	mg/L	<5	<5	<5	NA	NE
Iron	mg/L	<0.1	0.24	<0.1	<0.05	0.3
Lead	µg/L	<5	<5	<5	NA	15
Magnesium	mg/L	22	16	9.8	18	NE
Manganese	µg/L	<10	<10	<10	<10	50
Mercury	µg/L	<0.2	<0.2	<1	NA	2
Methylene Blue Active Substance (MBAS)	mg/L	<0.1	<0.1	<0.1	NA	500

Table 3 – Groundwater Quality Results (continued)

Date Sampled		2/9/2007	2/7/2007	2/14/2008	12/18/2008	
Constituent	**Units**	**Facility Domestic Supply Well Concentration[1]**	**Private Domestic Supply Well (Southeast) Concentration[1]**	**Private Domestic Supply Well (South) Concentration[1]**	**Facility Domestic Supply Well Concentration[1]**	**MCL**
Molybdenum	µg/L	<20	<20	<10	NA	NE
Nickel	µg/L	<20	<20	<10	NA	100
Nitrate (As N)	mg/L	6.4	3.6	0.7	1.0	10
Nitrite as N	mg/L	<0.4	<0.4	<400	NA	1
Kjeldahl Nitrogen	mg/L	0.26	0.26	<1	<0.1	NE
Ortho Phosphate Phosphorous	mg/L	<0.15	<0.15	NA	0.065	NE
pH	units	7.04	7.26	7.6	7.3	6.5-8.5[2]
Total Phosphorous	mg/L	<0.05	0.061	0.22	0.09	NE
Potassium	mg/L	4.5	3.9	3.0	3.7	NE
Selenium	µg/L	<5	<5	<5	NA	50
Silver	µg/L	<10	<10	<10	NA	100
Sodium	mg/L	100	120	100	87	NE
Specific Conductance	µmhos/cm	**1100**	**1100**	800	**1100**	900
Sulfate	mg/L	200	210	140	200	250
Thallium	µg/L	<10	<10	<1	NA	2
Total Dissolved Solids (TDS)	mg/L	**700**	**660**	**520**	**730**	500; 1,000; 1,500
Total Suspended Solids (TSS)	mg/L	<5	<5	<2	<5	NE
Vanadium	µg/L	<20	<20	8.4	NA	NE
Zinc	mg/L	0.022	<0.020	<0.050	0.011	5.0
Semi Volatile Organic Compounds (SVOCs):						
Bis (2-ethylhexyl) phthalate	µg/L	**24**	<10	<10	NA	2
Di-n-butyl phthalate	µg/L	<10	10	<10	NA	NE

Notes: Bolded values indicate an exceedance of the State maximum contaminant level (MCL).

1 = Depths of the screen intervals are not known.
2 = Per the Water Quality Control Plan, Lahontan Region (Basin Plan).

CFU/mL = Colony forming unit per milliliter.
MCL = Maximum contaminant level.
µg/L = Micrograms per liter.
mg/L = Milligrams per liter.
µmhos/cm = Micromhos per centimeter.
MPN/100 ml = Most probably number per 100 milliliters.
NA = Not analyzed.
NE = MCL not established for this constituent.

18. Authorized Disposal Site

The only authorized disposal location is the Surface Impoundment. The Discharger must design a Surface Impoundment that complies with the requirements of a Class II Waste Management Unit, per CCR, title 27, section 20310.

19. Water Sources

The Facility has an on-site water well and the Discharger intends to use this water supply both for the Facility and for domestic use. The water quality sampling results from this well are presented in Table 3.

20. Water Quality Protection Standard

The Water Quality Protection Standard (WQPS) consists of constituents of concern (including monitoring parameters), concentration limits, Monitoring Points, and the Point of Compliance. The standard applies over the active life of the Surface Impoundment, closure period, and the compliance period. The constituents of concern, Monitoring Points, and Point of Compliance are described in Monitoring and Reporting Program (MRP) No. R6V-2010-0019, which is attached to and made part of this Order. This Order includes a time schedule for the Discharger to propose concentration limits (WQPS) for all constituents of concern.

21. Technical and Monitoring Reports

The Discharger must submit technical and monitoring reports in compliance with this Order as described in MRP No. R6V-2010-0019. The fact that the Discharger is discharging wastes that has affected and may continue to affect groundwater quality and is subject to waste discharge requirements issued by the Lahontan Water Board supports the requirement that the Discharger submit technical and monitoring reports in compliance with this Order.

22. Statistical Methods

Statistical analysis of monitoring data is necessary for the earliest possible detection of a measurably significant evidence of a release of waste from the Facility. CCR, title 27, section 20415, requires statistical data analyses to determine a "measurably significant" evidence of a release from the Unit. MRP No. R6V-2010-0019 includes methods for statistical analyses. The monitoring parameters listed in this Order are believed to be the best indicators of a release from the Facility.

23. Land Uses

The land uses in the surrounding area are predominantly agricultural, dairy, and residential. There are several domestic and agricultural wells within 1,000 feet of the Facility. The nearest residence is located approximately 650 feet southeast of the southeastern boundary of the facility.

24. Protection From Storm Events

The Discharger must provide information to demonstrate that the Surface Impoundment is designed to contain the additional volume of water from a 1,000-year, 24-hour storm event, in addition to the maximum design volume, while maintaining two feet of freeboard, per CCR, title 27, section 20320, Table 4.1.

25. Receiving Waters

The receiving waters are the surface waters of the Middle Mojave Hydrologic Area of the Mojave Hydrologic Unit (DWR designation 628.30) and the groundwaters of the Middle Mojave River Valley Groundwater Basin (DWR designation 6-41).

26. Lahontan Basin Plan

The Water Board adopted a *Water Quality Control Plan for the Lahontan Region* (Basin Plan) which became effective on March 31, 1995. This Order implements the Basin Plan.

27. Beneficial Surface Water Uses

The present and potential designated beneficial uses of the surface waters of the Middle Mojave Hydrologic Area (DWR Unit No. 628.30) of the Mojave Hydrologic Unit as set forth and defined in the Basin Plan are:

a. (MUN) - Municipal and Domestic Supply;
b. (AGR) - Agricultural Supply;
c. (GWR) – Groundwater Recharge;
d. (POW) – Hydropower Generation;
e. (REC-1) – Water Contact Recreation;
f. (REC-2) – Noncontact Water Recreation;
g. (WARM) – Warm Freshwater Habitat;
h. (COLD) – Cold Freshwater Habitat; and
i. (WILD) – Wildlife Habitat.

28. Beneficial Groundwater Uses

The present and potential designated beneficial uses of the groundwater in the Middle Mojave River Valley Groundwater Basin (DWR designation 6-41), as set forth in the Basin Plan, are:

a. (MUN) - Municipal and Domestic Supply;
b. (AGR) - Agricultural Supply;
c. (IND) - Industrial Service Supply;
d. (FRSH) - Freshwater Replenishment; and
e. (AQUA) – Aquaculture.

29. Other Considerations and Requirements for Discharge

Pursuant to California Water Code, section 13241, the requirements of this Order take into consideration:

a. Past, present, and probable future beneficial uses of water.

This Order identifies existing groundwater quality, and past, present, and probable future beneficial uses of water, as described in finding numbers 17, 27 and 28, respectively. Provided discharge is contained pursuant to CCR, title 27, section 20250, the proposed discharge will not adversely affect present or probable future beneficial uses of groundwater.

b. Environmental characteristics of the hydrographic unit under consideration, including the quality of groundwater available thereto.

Finding number 17 describes the environmental characteristics and quality of groundwater available. The requirements of this Order will require control measures to prevent future effects on groundwater quality and may result in actual improvement to groundwater.

c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area.

The requirements of this Order, including the lining of the Surface Impoundment, are protective of groundwater quality. Potential discharges upgradient include dairies and agriculture. The Water Board will use its authority, potential enforcement actions, and these waste discharge requirements to ensure protection of water quality from the discharge. The requirements of this Order will prevent future discharges of nitrate, total dissolved solids, and volatile organic compounds (VOCs) to groundwater and, thus, will prevent further degradation of groundwater.

d. Economic considerations

Water quality objectives established in the Basin Plan for the Middle Mojave River Valley Groundwater Basin do not subject the Discharger to economic disadvantage as compared to other similar discharges in the Region. This Order will require the Discharger to submit plans compliant with the requirements of CCR, title 27, and is reasonable.

e. The need for developing housing within the region.

The Discharger is not responsible for developing housing within the region. This Order provides for capacity to collect, store, and evaporate wastewater in the Surface Impoundment.

f. The need to develop and use recycled water.

There is no identified opportunity to use recycled water for the purposes of food processing.

30. Constituents of Concern

The Constituents of Concern (COCs) consist of total and fecal coliforms, iron, nitrite/nitrate as nitrogen, total dissolved solids, and volatile organic compounds.

31. Detection Monitoring Program

The Discharger must comply with the detection monitoring program (DMP) provisions of CCR, title 27, section 20420, with respect to groundwater, unsaturated zone monitoring, and in accordance with Monitoring and Reporting Program No. R6V-2010-0019. All monitoring must be conducted in accordance with a Sampling and Analysis Plan, which includes quality assurance/quality control standards, that is acceptable to the Water Board's Executive Officer.

32. Evaluation Monitoring Program

An evaluation monitoring program (EMP) may be required, pursuant to CCR, title 27, section 20425, in order to evaluate evidence of a release if detection monitoring and/or verification procedures indicate evidence of a release. If there is evidence of a release, based on the data collected, the Discharger must submit an engineering feasibility study for corrective action pursuant to CCR, title 27, section 20420, subdivision (k)(6), and must conduct a COC scan meeting CCR, title 27, subdivision (k)(1), and must submit a Report of Waste Discharge amendment, under CCR, title 27, section 20420, subdivision (k)(5), that proposes suitable revisions to MRP No. R6V-2010-0019 to establish an EMP meeting CCR, title 27, section 20425, and that

includes the justification for any extension beyond the 90 days allowed prior to making the submittals required under paragraphs (b), (c), and (d) of that section in response to the release.

33. Corrective Action Program

A corrective action program (CAP) to remediate released wastes from the Surface Impoundment may be required pursuant to CCR, title 27, sections 20385 and 20430, if results of an EMP prove the presence of a release from the Surface Impoundment.

34. Surface Impoundment Closure Specifications

At closure of the Surface Impoundment, all residual wastes, including liquids, sludges, precipitates, settled solids, liner materials, and adjacent natural geologic materials contaminated by wastes must be completely removed and discharged to a facility permitted to receive such wastes. If, after reasonable attempts to remove contaminated natural geologic materials, the Discharger demonstrates that removal of all remaining contamination is infeasible, the Surface Impoundment must be closed as a landfill pursuant to requirements contained in CCR, title 27, section 21400.

35. Closure of the Surface Impoundment

The Discharger has not submitted a preliminary closure plan for the Surface Impoundment. This Order requires the Discharger to submit a preliminary closure plan for the Surface Impoundment.

36. Known or Reasonably Foreseeable Release from the Surface Impoundment

The Discharger has not submitted a corrective action estimate to address a known or reasonably foreseeable release, including a workup of the total likely maximum cost of remediating a reasonably foreseeable release, pursuant to CCR, title 27, section 20390, subdivision (b). In addition, the analysis must include a proposed corrective action financial assurance mechanism (to cover the estimated corrective action cost) meeting CCR, title 27, sections 22220 through 22222 and 22225 *et seq.* This Order will require the Discharger to submit a corrective action estimate for a known or reasonably foreseeable release.

If there is measurably significant evidence of a release, the Discharger must submit an engineering feasibility study for corrective action pursuant to CCR, title 27, section 20420, subdivision (k)(6) and must conduct a COC scan meeting the requirements of CCR, title 27, section 20420, subdivision (k)(1). The Discharger must also submit an amended Report of Waste Discharge pursuant to CCR, title 27, section 20420, subdivision (k)(5), that proposes suitable revisions to the MRP to establish an EMP meeting CCR, title 27, section 20425. If necessary, the amended Report of Waste

Discharge must include the justification for any extension beyond the 90 days allowed prior to making the submittals required under CCR, title 27, section 20425, subdivisions (b), (c), and (d).

37. Financial Assurance

The Discharger has not submitted sureties for closure of the Surface Impoundment, nor for a corrective action estimate to address a known or reasonably foreseeable release from the Surface Impoundment. This Order will require the Discharger to provide adequate financial assurance for closure of the Surface Impoundment and a corrective action estimate for a known or reasonably foreseeable release from the Surface Impoundment.

38. California Environmental Quality Act

This project is subject to the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) in accordance with CCR, title 14, section 15378. The County of San Bernardino is the CEQA Lead Agency for this project under the CEQA Guidelines.

An initial study for this site was conducted in March 2010 to recognize the existing facility and to construct a Class II Surface Impoundment by the County of San Bernardino, in accordance with the provisions of CEQA. Based on the initial study, the County prepared a Mitigated Negative Declaration (State Clearinghouse Number 2010031058) and certified it on May 11, 2010.

The Water Board, acting as a CEQA Responsible Agency in compliance with CCR, title 14, section 15096, subdivision (g)(2), evaluated the potentially significant impacts to water quality identified in the initial study/MND. The Water Board has determined that additional mitigation measures are necessary to prevent potentially significant water quality impacts and nuisance conditions as a result of wastewater discharge to the Surface Impoundment. Mitigation measures include designing and constructing lined facilities in accordance with CCR, title 27 for a Class II Surface Impoundment to contain the wastewater. This Order also requires a groundwater and unsaturated zone monitoring program that includes a water quality protection standard. The Water Board finds these mitigation measures, and the monitoring of the effectiveness of the mitigation measures, as specified in this Order, are adequate to reduce water quality impacts to less than significant.

39. Notification of Interested Parties

The Water Board notified the Discharger and all known interested agencies and persons of its intent to adopt WDRs for this Facility.

40. Consideration of Interested Parties

The Lahontan Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Discharger must comply with the following:

I. RECEIVING WATER LIMITATION

The Discharger shall not cause the existing water quality to be degraded. Under no circumstances shall the Discharger cause the presence of the following substances or conditions in surface waters or groundwaters of the Middle Mojave Hydrologic Area and Middle Mojave River Valley Groundwater Basin.

A. Bacteria – Waters designated as MUN, the medium concentration of coliform organisms, over any seven-day period, must be less than 1.1 MPN/100ml.

B. Chemical Constituents – Waters designated as MUN must not contain concentrations of chemical constituents in excess of the MCL or Secondary MCL (SMCL) based upon drinking water standards specified in the following provisions of CCR, title 22: Table 64431-A of Section 64431 (Inorganic Chemicals), Table 64431-B of Section 64431 (Fluoride), Table 64444-A of Section 64444 (Organic Chemicals), Table 64449-A of Section 64449 (SMCLs – Consumer Acceptance Limits), and Table 64449-B of Section 64449 (SMCLs – Consumer Acceptance Ranges). This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Waters designated as AGR must not contain concentrations of chemical constituents that adversely affect the water for beneficial uses (e.g. agricultural purposes).

Waters must not contain concentrations of chemical constituents that adversely affect the water for beneficial uses.

C. Radioactivity – Waters designated as MUN must not contain concentrations of radionuclides in excess of limits specified in CCR, title 22, section 64442, Table 64442, and section 64443, Table 64443, including future changes as the changes take effect.

D. Taste and Odors – Waters must not contain taste or odor-producing substances in concentrations that cause a nuisance or that adversely affect beneficial uses. For waters designated as MUN, at a minimum, concentrations must not exceed adopted SMCLs specified in Table

64449-A of section 64449 (SMCLs – Consumer Acceptance Limits) and Table 64449-B of section 64449 (SMCLs – Consumer Acceptance Ranges) of CCR, title 22, including future changes as the changes take effect.

E. Color – Waters must not contain color-producing substances from tracers in concentrations that cause a nuisance or that adversely affect beneficial uses.

F. Toxic Substances – Any presence of toxic substances in concentrations that individually, collectively, or cumulatively cause a detrimental physiological response in humans, plants, animals, or aquatic life is prohibited.

II. REQUIREMENTS AND PROHIBITIONS

A. General

1. Following **March 30, 2011**, no discharge must occur outside of the Surface Impoundment.

2. The discharge must not cause or threaten to cause a condition of pollution or nuisance as defined in California Water Code, section 13050.

3. There must be no discharge, bypass, or diversion of wastewater from the collection, conveyance, or disposal facilities to adjacent land areas or surface waters.

4. Surface drainage within the Surface Impoundment must be contained in the Surface Impoundment. No water contained within the Surface Impoundment is to be discharged outside the Surface Impoundment. The Discharger must maintain a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program and Reporting Requirements in accordance with State Water Resources Control Board Order No. 97-03-DWQ, and future state-wide general industrial stormwater permits.

5. All facilities used for the collection, conveyance, or disposal of waste must be adequately protected against overflow, washout, inundation, structural damage, or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 1,000 years (CCR, title 27, section 20320, Table 4.1).

6. The discharge of hazardous waste to the Surface Impoundments or generation of hazardous waste due to evaporation in the Surface Impoundments is prohibited.

7. The discharge of solid wastes, leachate, wastewater, or any other deleterious materials to the waters of the Middle Mojave Hydrologic Area and Middle Mojave River Valley Groundwater Basin is prohibited.

8. The discharge of waste, except to the authorized Surface Impoundment, is prohibited.

9. The discharge of waste, as defined in CWC, section 13050, subdivision (d), that causes a violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.

10. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.

11. The discharge must not cause any increase in the concentration of waste constituents in soil-pore gas, soil-pore liquid, soil, or other geologic materials outside of the Surface Impoundment if such waste constituents could migrate to waters of the State – in either liquid or gaseous phase – and cause a condition of nuisance, degradation, contamination, or pollution.

12. Per CCR, title 27, section 20240, subdivision (c), all new surface impoundments must be designed, constructed, and operated to ensure that wastes will be a minimum of five feet above the highest anticipated elevation of underlying groundwater.

13. The integrity of the proposed Surface Impoundment must be maintained throughout the life of the Facility and must not be diminished as a result of any maintenance operation.

14. Discharge of non-hazardous solid waste, as defined in CCR, title 27, section 20220, to the Surface Impoundment is prohibited.

15. The Discharger must maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with these waste discharge requirements.

16. At closure, the Surface Impoundment must be closed in accordance with a Final Closure Plan approved by the Water Board Executive Officer.

17. The Discharger must at all times maintain adequate and viable financial assurances acceptable to the Water Board Executive Officer for costs associated with closure and corrective action for all known or reasonably foreseeable releases.

18. Wind speed and direction will be checked and logged just prior to removing solids from the Surface Impoundment or performing other activities that could generate dust that creates a nuisance as defined in California Water Code section 13050. Activities at the Facility that could generate dust that would create a nuisance must not be performed if wind speeds are in excess of 25 miles per hour.

B. Surface Impoundment

1. The Surface Impoundment freeboard, the vertical distance between the liquid surface elevation and the lowest part of the pond dike or the invert of an overflow structure, must be a minimum of two feet at all times, as specified in CCR, title 27, section 20375.

2. All lined facilities must be effectively sealed to prevent the exfiltration of liquids. For this project, "effectively sealed" facilities are Class II waste management units that are designed and constructed to meet the requirements of CCR, title 27, sections 20310, 20320, and 20330.

3. The design plan must include a requirement for UV damage prevention (treatment or replacement) for the uppermost liner.

4. Best Management Practices, good housekeeping measures, and other measures implemented, including but not limited to treating with an odor-neutralizing agent, will be implemented to minimize the release of objectionable odors. If meteorological conditions cause objectionable off-site odors, the Discharger must immediately take operational steps to mitigate the cause of such odors.

C. Leachate Collection and Removal System

A leachate collection and removal system (LCRS) is required to be constructed per CCR, title 27, section 20340.

1. The LCRS must be placed between the inner and outer liner of the Surface Impoundment.

2. The depth of the leachate in each leachate collection sump must be kept at the minimum depth needed to ensure efficient sump dewatering pump operation.

3. The LCRS must be operated to function without clogging throughout the life of the project.

4. The LCRS must be tested at least once annually to demonstrate proper operation.

5. Should any measurable daily volume of leakage above the action leakage rate be detected, the liner must be repaired.

6. Any leachate collected in the LCRS must be returned to the Surface Impoundment or disposed of properly at a Class II Waste Management Unit.

D. Detection Monitoring Program

The Discharger must maintain a DMP as required in CCR, title 27, sections 20385, subdivision (a)(1) and section 20420.

E. Evaluation Monitoring Program

The Discharger must establish an EMP whenever there is evidence of a release from the Surface Impoundment as required by CCR, title 27, section 20385, subdivision (a)(2) or (3). The Discharger must maintain the EMP as long as there is measurably significant evidence of a release from the Surface Impoundment as required in CCR, title 27, section 20425. The EMP must be utilized to delineate within 90 days of initiating an EMP the nature and extent of the release, as well as to develop, propose, and support corrective action measures to be implemented in a CAP.

F. Corrective Action Program

The Discharger must institute a CAP as required in CCR, title 27, section 20430, following completion of the EMP, in response to a measurably significant evidence of a release.

III. WATER QUALITY MONITORING AND RESPONSE PROGRAMS

A. Water Quality Protection Standard

1. The Discharger must submit a report of waste discharge to the Water Board at least 140 days before initiating discharge to the Surface Impoundment any new constituents of concern. Before a new discharge commences, the Discharger must estimate the concentration for such constituents within the wastewater stream and submit written statistical method(s) in order to detect a release of such constituents.

2. At any given time, the concentration limit for each monitoring parameter and constituent of concern must be equal to the background data set of that constituent. The background data set for each monitoring point/constituent pair should be comprised of at least eight data points, collected quarterly.

3. If the Discharger or Water Board Executive Officer determines that concentration limits were or are exceeded, the Discharger may immediately institute verification procedures upon such determination as specified below or submit an amended RWD within 90 days of such determination in order to establish an evaluation monitoring program. In the event of a release, unless the amended RWD (proposing an EMP) proposes and substantiates a longer period, the Discharger will only have 90 days, once the Water Board authorizes the initiation of the EMP, to complete the delineation, develop a suite of proposed corrective action measures, and submit a proposed corrective action program (CAP) for adoption by the Water Board.

4. Monitoring Wells and/or unsaturated zone samples must be used to obtain background data and to detect a release from the Facility.

B. Statistical Methods

1. The Discharger must use approved statistical data analysis methods to evaluate Point of Compliance data in order to determine measurably significant evidence of a release from the Surface Impoundment. Approved methods may include an intrawell statistical analysis approach. Viable methods include, but are not limited to, a parametric upper prediction limit, a gamma upper prediction limit, and a Shewhart Cumulative Sum (CUSUM) control chart, including a pass 1-of-3 retesting approach. Viable statistical methods, including the retesting approach, must include those

which can meet or beat United States Environmental Protection Agency's (U.S. EPA's) Reference Power Curve.

2. The Discharger must determine, within 45 days after completion of sampling, whether there is measurably significant evidence of a release from the Surface Impoundment at each Monitoring Point. The analysis must consider all monitoring parameters. The Executive Officer may make an independent finding that there is measurably significant evidence of a release or physical evidence of a release.

3. If there is measurably significant evidence of a release, the Discharger must immediately notify the Water Board by certified mail (see notification procedures contained in MRP No. R6V-2010-0019. Subsequently, the Discharger may immediately initiate verification procedures as specified in section III.D., "Verification Procedures," whenever there is a determination by the Discharger or Executive Officer that there is measurably significant evidence of a release.

4. If the Discharger does not use verification procedures to evaluate evidence of a release, and there is confirmation that there is measurably significant evidence of a release, then the Discharger is required to submit, within 90 days of such a confirmation, an amended RWD in order to establish evaluation monitoring (see subsection II.C, entitled "Evaluation Monitoring Program") or make a demonstration to the Water Board that there is a source other than the Surface Impoundment that caused evidence of a release (see notification procedures contained in MRP No. R6V-2010-0019, section IV.G., "Unscheduled Reports to be Filed With the Water Board").

C. Physical Evidence of a Release

The Discharger must determine whether there is physical evidence of a release from the Surface Impoundment. Physical evidence may include unexplained volumetric changes in the Surface Impoundment, unexplained stress in biological communities, unexplained changes in soil characteristics, visible signs of leachate migration, visible signs of pipeline rupture, unexplained water table mounding beneath or adjacent to the Facility, concentration of constituents of concern in soil gas, which may pose a threat to groundwater quality, or any other change to the environment that could reasonably be expected to be the result of a release from the Surface Impoundment (see notification procedures

contained in MRP No. R6V-2010-0019, section IV.G., "Unscheduled Reports to be Filed With the Water Board").

D. Verification Procedures

1. The Discharger must immediately initiate verification procedures, as specified below, whenever there is a determination by the Discharger or Executive Officer that there is evidence of a release. If the Discharger declines the opportunity to conduct verification procedures, the Discharger must submit a technical report, as described in section III.E., below, under the heading Technical Report Without Verification Procedures.

2. The verification procedure must only be performed for the constituent(s) that has shown a measurably significant evidence of a release and must be performed for those Monitoring Points at which a release is indicated.

3. The Discharger must conduct a composite retest using data from the initial sampling event with all data obtained from the resampling event, must conduct a discrete retest in which only data obtained from the resampling event must be analyzed to verify evidence of a release, or must propose a pass 1-of-3 retesting approach using quarterly samples, as an engineered alternative.

4. The Discharger must report to the Water Board, by certified mail, the results of the verification procedure, as well as all concentration data collected for use in the retest, within seven days of the last laboratory analysis.

5. If the Discharger or Executive Officer verify evidence of a release, the Discharger is required to submit a technical report pursuant to CWC, section 13267, subdivision (b), within 90 days of such a determination that there is, or was, a release. The report must propose an evaluation monitoring program (see subsection II.E., entitled "Evaluation Monitoring Program"), or make a demonstration to the Water Board that there is a source other than the Surface Impoundment that caused evidence of a release [see notification procedures contained in MRP No. R6V-2010-0019, section IV.G., "Unscheduled Reports to be Filed With the Water Board"].

E. Technical Report Without Verification Procedures

If the Discharger chooses not to initiate verification procedures after there has been a determination made for evidence of a release, a technical report must be submitted pursuant to CWC, section 13267, subdivision (b). The report must propose an evaluation monitoring program or attempt to demonstrate that the release did not originate from the Surface Impoundment.

F. Monitoring and Reporting

1. Pursuant to CWC, section 13267, subdivision (b), the Discharger must comply with Monitoring and Reporting Program No. R6V-2010-0019 as specified by the Water Board Executive Officer. The Monitoring and Reporting Program may be modified by the Water Board Executive Officer.

2. The Discharger must comply with the "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of the Monitoring and Reporting Program.

IV. PROVISIONS

A. Standard Provisions

The Discharger must comply with the "Standard Provisions for Waste Discharge Requirements," dated September 1, 1994, in Attachment C, which is made part of this Order.

B. Claim of Copyright or Other Protection

Any and all reports and other documents submitted to the Lahontan Water Board pursuant to this request will need to be copied for some or all of the following reasons: (1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, (2) any further proceedings of the Lahontan Water Board and the State Water Board, (3) any court proceeding that may involve the document, and (4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the Discharger or its contractor(s) claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If

copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Lahontan Water Board's purposes and will result in the document being returned to the Discharger as if the task had not been completed.

C. Action Leakage Rate

If leachate generation in an LCRS of the Surface Impoundment exceeds, or is equal to, the required action leakage rate (ALR) of 20 gallons/day/acre, the Discharger must immediately take steps to locate and repair leak(s) in the liner system and comply with the notice of evidence response to exceeding the ALR requirements presented in section IV.G., Unscheduled Reports to be Filed With the Water Board, of MRP No. R6V-2010-0019. If repairs do not result in a leakage rate less than the required ALR, the Discharger must immediately cease the discharge of waste, including leachate, to the Surface Impoundment and notify the Water Board. The notification shall include a timetable for remedial action to repair the upper liner of the Surface Impoundment or action necessary to reduce leachate production.

D. Closure Plan

The preliminary closure plans must be updated if there is a substantial change in operations or costs for closure. By **October 30, 2011 and yearly thereafter,** as part of the required annual report, a report must be submitted to the Water Board indicating conformance with existing operations. Pursuant to CCR, title 27, section 21780, a final closure plan shall be submitted two years prior to the anticipated date of closure for any or all parts of the Facility. The final plan must be prepared by or under the supervision of either a California registered civil engineer or a certified engineering geologist.

E. Modifications to the Surface Impoundment

If the Discharger intends to expand the Facility or the capacity of the Surface Impoundments, a new Report of Waste Discharge must be filed **no later than 140 days prior** to the anticipated change, containing a detailed plan for Facility expansion. This plan must include, but is not limited to, a time schedule for studies, design, and other steps needed to provide additional capacity, and must be done in accordance with an accepted construction quality control plan.

V. TIME SCHEDULE

A. Effective Dates for General Requirements and Prohibitions

Section II, Requirements and Prohibitions, A. General, numbers 2, 7, 9, 10, 15, and 18 are **effective immediately**. Section II, Requirements and Prohibitions, A. General, numbers 1, 3, 4, 5, 6, 8, 11, 12, 13, 14, 16, and 17 are effective on **April 1, 2011**.

B. Submittal of Plans

1. Surface Impoundment Design Plans

No later than **December 30, 2010**, the Discharger must submit design plans for the Surface Impoundment in accordance with the requirements of CCR, title 27, sections 20310 and 20320, including a leachate collection and removal system, unsaturated zone monitoring system, and monitoring well locations, to be accepted by the Water Board's Executive Officer.

2. Work Plan for Surface Impoundment Construction

No later than **December 30, 2010**, the Discharger must submit a work plan to construct the Surface Impoundment, leachate collection and removal system, unsaturated zone monitoring system, and monitoring wells, to be accepted by the Water Board's Executive Officer.

3. Odor Control Plan

No later than **January 30, 2011**, the Discharger must submit an Odor Control Plan for the Surface Impoundment, to be accepted by the Water Board's Executive Officer. The Odor Control Plan must identify the potential sources and causes of the odors, provide a narrative description of the best management practices (BMPs) and other measures that will be implemented to treat and neutralize odors, and provide a detailed description of all odor monitoring and inspecting activities including the requirements of MRP No. R6V-2010-0019, section II.C.2 and section IV.D.6. In addition, the plan must discuss how the Discharger will address public complaints regarding odors.

4. Monitoring and Reporting Plan and Sampling and Analysis Plan

No later than **January 30, 2011**, the Discharger must submit a Monitoring and Reporting Plan and a Sampling and Analysis Plan, to be accepted by the Water Board's Executive Officer, including procedures for sampling the Surface Impoundments, the leachate collection and removal system, and the monitoring wells.

5. Detection Monitoring Plan

No later than **January 30, 2011**, the Discharger must submit a Detection Monitoring Plan, to be accepted by the Water Board's Executive Officer, proposing Monitoring Parameters and procedures for responding to a release, per CCR, title 27, section 20420.

6. Closure Plan and Cost Estimate

No later than **January 30, 2011**, the Discharger must submit a closure plan, to be accepted by the Water Board's Executive Officer, indicating procedures for clean closure of the Surface Impoundment, pursuant to CCR, title 27, section 21400, as well as detailed cost estimates for closure, per CCR, title 27, section 21090.

C. Known or Reasonably Foreseeable Release Plan and Financial Assurance Instrument

By **January 30, 2011**, the Discharger must submit a plan for addressing a known or reasonably foreseeable release from the Surface Impoundment in accordance with the requirements in CCR, title 27, sections 20380, subdivision (b) and 22222. The known or reasonably foreseeable release plan must include a cost estimate to implement the plan and a proposed financial assurance instrument meeting CCR, title 27, sections 22220 to 22222 and 22225 *et seq.* to be acceptable by the Executive Officer. The known or reasonably foreseeable release plan and cost estimate to implement the plan must be prepared by, or under the supervision of, a California registered professional geologist or a California registered professional engineer.

D. Financial Assurance Documents

By **January 30, 2011, and yearly thereafter** with the annual report, the Discharger must submit Instruments of Financial Assurance acceptable to the Water Board Executive Officer and adequate to cover the costs of

closure and a reasonably foreseeable release from the Facility. An increase may be necessary due to inflation, a change in regulatory requirements, a change in the approved closure plan, or other unforeseen events.

E. Completion of Construction

1. The Surface Impoundment and associated monitoring systems must be installed, per the accepted plans, no later than **March 30, 2011**.

2. No later than **April 30, 2011**, the Discharger must submit a technical report discussing the installation of the monitoring system. The report shall summarize all work activities associated with the installation of the monitoring system. The report must be certified by a registered civil engineer or a registered professional geologist. It must contain sufficient information to verify that construction was in accordance with State and/or County well standards.

F. Final Construction Quality Assurance Report

Following the completion of construction of the lined Surface Impoundment, the final documentation required in CCR, title 27, section 20324, subdivision (d)(1)(C), must be submitted to the Water Board for review and acceptance. This report must be submitted to the Water Board by **April 30, 2011** after completion of construction activities. The report must be certified by a registered civil engineer or a certified engineering geologist. It must contain sufficient information and test results to verify that construction was in accordance with the design plans and specifications and with the prescriptive standards and performance goals of CCR, title 27.

G. Water Quality Protection Standard

No later than **April 30, 2013**, the Discharger must propose for acceptance by the Water Board staff a list of monitoring parameters and constituents of concern for the aquifer, including a data analysis method, and a Water Quality Protection Standard, which includes concentration limits that define background water quality for all constituents of concern and for each Point of Compliance. The report must be certified by a registered civil engineer or a registered professional geologist.

The table below is a summary of all plans to be submitted:

Plan	Due Date
Design Plan for Surface Impoundment	December 30, 2010
Work Plan for Surface Impoundment Construction	December 30, 2010
Odor Control Plan	January 30, 2011
Monitoring and Reporting Plan	January 30, 2011
Sampling and Analysis Plan	January 30, 2011
Detection Monitoring Plan	January 30, 2011
Closure Plan and Cost Estimate	January 30, 2011
Known or Reasonably Foreseeable Release Plan and Financial Assurance Instrument	January 30, 2011
Monitoring System Installation Report	April 30, 2011
Final Construction Quality Assurance Report	April 30, 2011
Water Quality Protection Standard	April 30, 2013

I, HAROLD J. SINGER, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Board, Lahontan Region, on May 13, 2010.

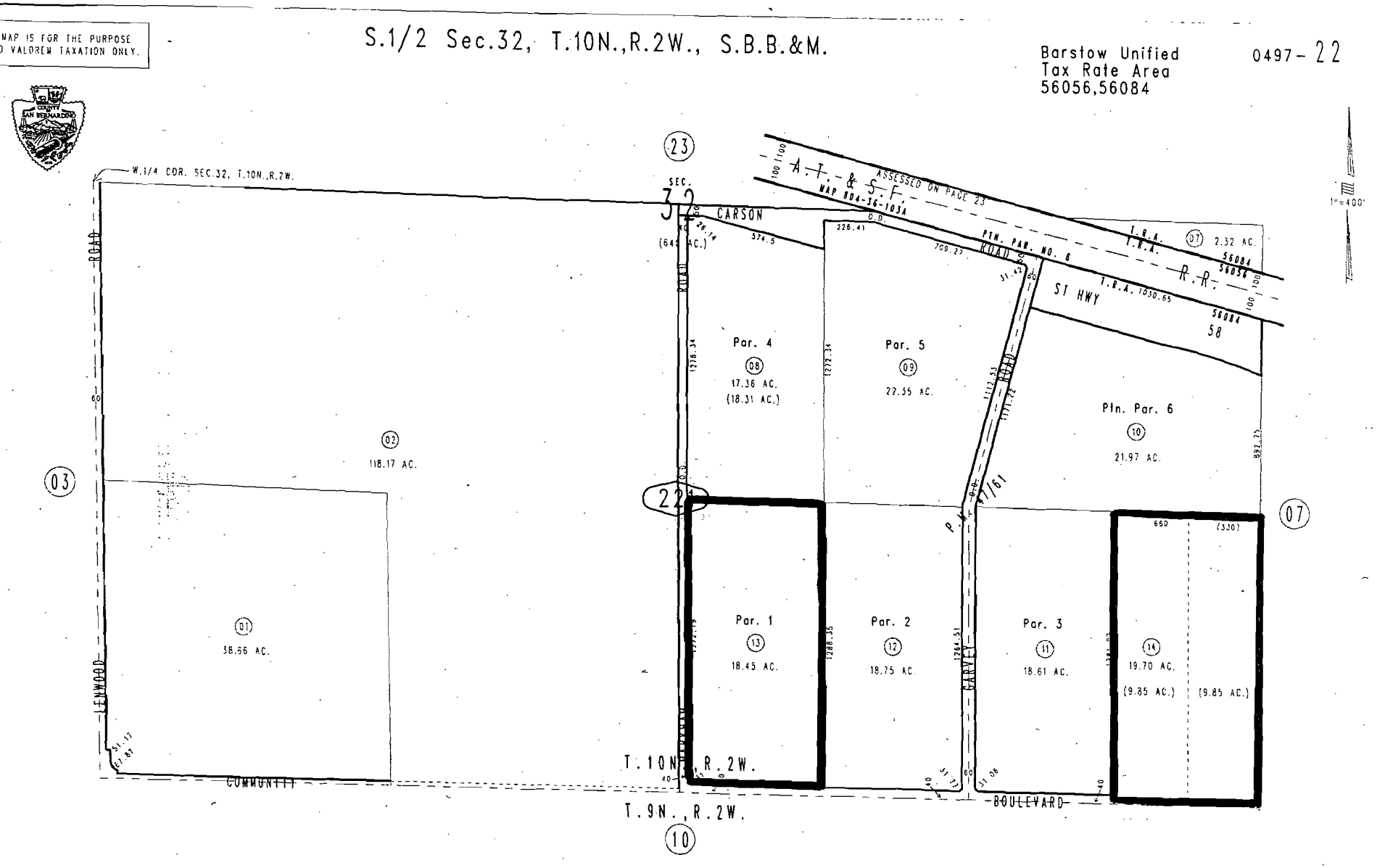
HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. General Location Map
B. Plot Plan
C. Standard Provisions for Waste Discharge Requirements

GREEN VALLEY FOODS PRODUCTS, INC., AND HECTOR HUERTA
CHEESE PROCESSING FACILITY
San Bernardino County

ATTACHMENT A
Location Map

BOARD ORDER NO. R6V-2010-0019
WDID NO. 6B360704003



February 2004

Parcel Map No. 4977, P.M. 47/61

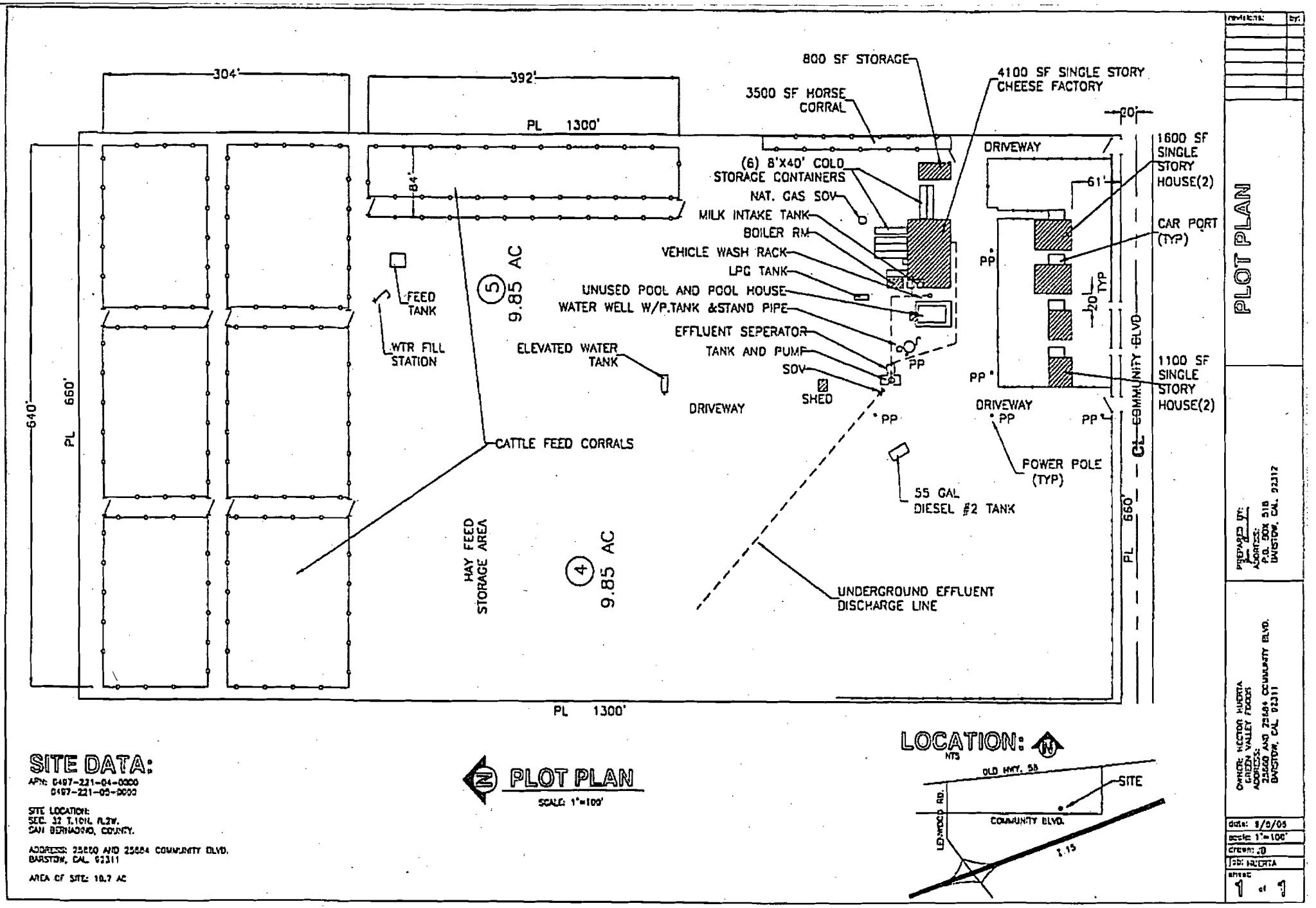
Assessor's Map
Book 0497 Page 22
San Bernardino County

REVISED
08/22/07 RM

GREEN VALLEY FOODS PRODUCTS, INC., AND HECTOR HUERTA
CHEESE PROCESSING FACILITY
San Bernardino County

ATTACHMENT B
Plot Plan

BOARD ORDER NO. R6V-2010-0019
WDID NO. 6B360704003



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

STANDARD PROVISIONS
FOR WASTE DISCHARGE REQUIREMENTS

1. Inspection and Entry

The Discharger shall permit Regional Board staff:

a. to enter upon premises in which an effluent source is located or in which any required records are kept;

b. to copy any records relating to the discharge or relating to compliance with the Waste Discharge Requirements (WDRs);

c. to inspect monitoring equipment or records; and

d. to sample any discharge.

2. Reporting Requirements

a. Pursuant to California Water Code 13267(b), the Discharger shall immediately notify the Regional Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance.

b. Pursuant to California Water Code Section 13260 (c), any proposed material change in the character of the waste, manner or method of treatment or disposal, increase of discharge, or location of discharge, shall be reported to the Regional Board at least 120 days in advance of implementation of any such proposal. This shall include, but not be limited to, all significant soil disturbances.

c. The Owners/Discharger of property subject to WDRs shall be considered to have a continuing responsibility for ensuring compliance with applicable WDRs in the operations or use of the owned property. Pursuant to California Water Code Section 13260(c), any change in the ownership and/or operation of property subject to the WDRs shall be reported to the Regional Board. Notification of applicable WDRs shall be furnished in writing to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board.

d. If a Discharger becomes aware that any information submitted to the Regional Board is incorrect, the Discharger shall immediately notify the Regional Board, in writing, and correct that information.

e. Reports required by the WDRs, and other information requested by the Regional Board, must be signed by a duly authorized representative of the Discharger. Under Section 13268 of the California Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars ($1,000) for each day of violation.

f. If the Discharger becomes aware that their WDRs (or permit) are no longer needed (because the project will not be built or the discharge will cease) the Discharger shall notify the Regional Board in writing and request that their WDRs (or permit) be rescinded.

3. Right to Revise WDRs

The Regional Board reserves the privilege of changing all or any portion of the WDRs upon legal notice to and after opportunity to be heard is given to all concerned parties.

4. Duty to Comply

Failure to comply with the WDRs may constitute a violation of the California Water Code and is grounds for enforcement action or for permit termination, revocation and re-issuance, or modification.

5. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of the WDRs which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with the WDRs. Proper operation and maintenance includes adequate laboratory control, where appropriate, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Discharger, when necessary to achieve compliance with the conditions of the WDRs.

7. Waste Discharge Requirement Actions

The WDRs may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for waste discharge requirement modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any of the WDRs conditions.

8. Property Rights

The WDRs do 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.

9. Enforcement

The California Water Code provides for civil liability and criminal penalties for violations or threatened violations of the WDRs including imposition of civil liability or referral to the Attorney General.

10. Availability

A copy of the WDRs shall be kept and maintained by the Discharger and be available at all times to operating personnel.

11. Severability

Provisions of the WDRs are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.

12. Public Access

General public access shall be effectively excluded from treatment and disposal facilities.

13. Transfers

Providing there is no material change in the operation of the facility, this Order may be transferred to a new owner or operation. The owner/operator must request the transfer in writing and receive written approval from the Regional Board's Executive Officer.

14. Definitions

a. "Surface waters" as used in this Order, include, but are not limited to, live streams, either perennial or ephemeral, which flow in natural or artificial water courses and natural lakes and artificial impoundments of waters. "Surface waters" does not include artificial water courses or impoundments used exclusively for wastewater disposal.

b. "Ground waters" as used in this Order, include, but are not limited to, all subsurface waters being above atmospheric pressure and the capillary fringe of these waters.

15. Storm Protection

All facilities used for collection, transport, treatment, storage, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years.