

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. _____

WASTE DISCHARGE REQUIREMENTS
FOR
WILD ROSE VINEYARDS LLC
DOLE FRESH VEGETABLES, INC.
FORMER DOLE FRESH FRUIT/VICTOR FRUIT
POST CLOSURE OPERATION AND MAINTENANCE
FORMER CLASS II SURFACE IMPOUNDMENT
SAN JOAQUIN COUNTY

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

1. Dole Fresh Vegetables, Inc. (previous owner and operator) and Wild Rose Vineyards LLC (current land owner) (hereafter jointly Discharger) are the previous owner and current owner respectively of a closed Class II surface impoundment. The facility was previously regulated by Waste Discharge Requirements (WDRs) Order No. 5-00-012 in conformance with Title 27 of California Code of Regulations, Division 2, Subdivision 1 (hereafter Title 27). The Discharger submitted a final Surface Impoundment Closure Report on 4 November 2005 describing the final closure of the surface impoundment and triggering post closure requirements.
2. The facility is at 8751 East Highway 12 in Victor, California. This property is described by Assessor's Parcel Number 051-030-63 in the NE ¼ of Section 4, T3N, R7E, MDB&M. The site is on the north side of Highway 12 and west of Bruella Road in the City of Victor as shown on Attachment A, which is incorporated herein and made a part of this order by reference.
3. The facility consists of six-closed evaporation/percolation wastewater ponds on approximately 1.4 acres as shown on Attachment B, which is incorporated herein and made a part of this Order by reference.
4. Previously, the facility processed cherries with a sulfur dioxide/calcium chloride brine solution. When active, 21,000 gallons per day of wash water and used brine solution were discharged to the six unlined ponds. Most of the liquid waste either evaporated or infiltrated into underlying soil. The waste liquid was used intermittently to irrigate the surrounding vineyards owned by the operator.
5. In August 2005 the Discharger closed the impoundment by removing all the solids and underlying soil to a depth of four feet in two impoundments and a depth of three inches in the remaining impoundments. Prior to closing the impoundments, the Discharger demonstrated that it was infeasible to remove all the contaminated soil

beneath the impoundments. Therefore, in compliance with Title 27, the facility has been closed as a landfill. This closure includes a Title 27 compliant cover that nearly eliminates percolation of rainwater through the waste. These WDRs are written to regulate post-closure maintenance of the former Class II surface impoundments.

WASTE AND SITE CLASSIFICATION

6. From 1982 to 1992 the facility operated under WDRs Order No. 82-061, as a non-Chapter 15 facility. In 1992, the Regional Water Board adopted revised WDRs Order No. 92-154. The revised WDRs re-classified the wastes as designated waste, under the criteria in Title 23, Division 3, Chapter 15, California Code of Regulations (Chapter 15)(now recodified, in part, in Title 27 California Code of Regulations Division 2), required groundwater monitoring, and required submittal of a technical report addressing wastewater treatment proposals. Ultimately, the Discharger treated the wastewater to reduce total dissolved solids concentrations (TDS) and was allowed to continue to discharge to the unlined ponds.
7. In November 1999, Dole requested that the wastewater be re-classified as non-designated waste. In response, staff requested an investigation of the hydrology associated with the evaporation/percolation ponds. The investigation determined that soil under the ponds had been contaminated with sulfate up to 3,400 mg/kg, and chloride up to 500 mg/kg. Background sulfate and chloride concentrations in soil are approximately 120 mg/kg and 22 mg/kg, respectively. Downgradient groundwater was impacted with up to 2,400 mg/l TDS, 690 mg/l sulfate and 330 mg/l chloride. Background TDS, sulfate and chloride concentrations in groundwater are approximately 400, 40, and 10 mg/l respectively. The request was denied based on the investigation results. In January 2002, Dole submitted a closure plan for the ponds and in June 2002, Dole submitted an Engineering Feasibility Study to cleanup impacted groundwater.
8. On 8 February 2000 the Regional Water Board adopted WDRs Order No. 5-00-012 due to an ownership change from Dole to Wild Rose and an operator change from Dole to California Fruit Processors LLC, a lessee of Wild Rose. California Fruit Processors discharged fruit processing brine to the ponds for a single season in 2000.
9. Dole Fruit has accepted responsibly for closing the site because of its long-term discharge to these ponds.
10. 'Designated waste' is defined in California Water Code, §13173, as a nonhazardous waste which consists of, or contains pollutants which, under ambient environmental conditions at the waste management unit, could be released at concentrations in

excess of applicable water quality standards, or which could cause degradation of waters of the state.

11. The wastewater discharged to the surface impoundments posed a significant threat to water quality and in fact degraded groundwater quality. Therefore, the wastewater discharged to the impoundments was a 'designated waste' and the surface impoundments must be closed and maintained in compliance with Title 27.

SITE DESCRIPTION

12. Land uses within 1,000 feet of the facility are agriculture and residential.
13. The facility receives an average annual precipitation of 17.57 inches and a mean annual evaporation of 67.94 as measured at Lodi. Based on these data, average annual net evaporation at the facility is 50.37 inches.
14. The 1000-year, 24-hour precipitation event for this area is estimated to be 4.89 inches, based on Department of Water Resources bulletin *Rainfall Depth-Duration-Frequency for California*, revised November 1982.
15. The waste management facility is not within a 100-year flood plain based on the Federal Emergency Management Agency's (FEMA) Flood Hazard Map.

SURFACE AND GROUND WATER CONDITIONS

16. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basin, Fourth Edition* (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin.
17. Surface drainage is toward Mokelumne River in the Lower Mokelumne Hydrologic Area (531.20) of the San Joaquin River Basin.
18. The designated beneficial uses of the Mokelumne River, as specified in the Basin Plan, are agricultural supply, water contact and non-contact water recreation, warm and cold fresh water habitat, preservation of rare, threatened and endangered species, and groundwater recharge.
19. The designated beneficial uses of the groundwater, as specified in the Basin Plan, are domestic and municipal, agricultural, and industrial supply.
20. The first encountered groundwater is approximately 65 feet below the native ground surface. Groundwater elevations range from six feet mean sea level (msl) to thirteen

feet msl. The groundwater is unconfined. The depth to groundwater fluctuates seasonally as much as 2 feet.

21. The direction of groundwater flow is toward the south. The direction of groundwater flow varies seasonally and periodically flows toward the southeast. The average groundwater gradient is approximately 0.002 feet per foot.

GROUNDWATER MONITORING

22. The site's groundwater monitoring system consists of two background wells, MW-1 and -4; and four down-gradient monitoring wells, MW-2, -3, -5, and -6. MW-2 and -3 are detection wells located at the southwest and southeast corners, respectively, of the surface impoundment area. MW-5 and -6 are corrective action wells located 300 to 400 feet downgradient of the impoundment area and monitor migration of the contaminant plume.
23. The Discharger's detection monitoring program satisfies the requirements contained in Title 27.

SOIL AND GROUNDWATER DEGRADATION

24. Soil under the surface impoundments had been contaminated with sulfate up to 3,400 mg/kg, and chloride up to 500 mg/kg. Background sulfate and chloride concentrations in soil are approximately 120 mg/kg and 22 mg/kg, respectively. Boring results indicate that soil beneath the impoundments contains elevated concentrations of sulfate and chloride throughout the soil column, from the bottom of the surface impoundments to groundwater.
25. Downgradient groundwater has been impacted with up to 2,400 mg/l TDS, 690 mg/l sulfate and 330 mg/l chloride. Background groundwater quality has TDS ranging between 340 and 450 mg/l, chloride ranging between 7 and 19 mg/l, and sulfate ranging from 32 to 53 mg/l.

CLOSURE OF WASTE MANAGEMENT UNIT

26. To close the surface impoundments, residual wastes, including liquids, sludges, precipitates, settled solids, and some underlying soil contaminated by wastes, were removed and discharged to a waste management unit approved by Regional Water Board staff. The Discharger determined that removal of all remaining contaminated soil beneath the impoundments was infeasible and therefore the impoundments have been closed as a landfill.

27. After soil removal, confirmation samples were collected from the base of each excavation. The excavations were leveled and filled to grade with clean imported soil. The former impoundment area received a minimum 30-inch thick soil cover compacted to 90 percent of the maximum dry density. The cover was graded to achieve a minimum 2 percent slope. Vegetation was established on the cover as an erosion control measure.
28. The footprint of the closed waste management units is fenced to protect the cover from damage by farm equipment.
29. The Discharger placed deed restrictions on the property, which preclude actions that would cause ponding on the former surface impoundment area. The deed restrictions were previously reviewed and approved by the Executive Officer.

CEQA AND OTHER CONSIDERATIONS

30. The action to revise waste discharge requirements for this existing facility is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resource Code §21000, et seq., and the CEQA guidelines, in accordance with Title 14, CCR, §15301.
31. Section 13267(b) of California Water Code provides that: "In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposed to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who had discharged, discharges, or is suspected of having discharged or discharging, or who proposed to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."
32. The technical reports required by this Order and the attached "MRP No. R5-2008-_____" are necessary to assure compliance with these waste discharge requirements. The Discharger owns and operates the facility that discharges the waste subject to this Order.

33. This order implements:

- a. *The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*; and
- b. The prescriptive standards and performance goals of Title 27, California Code of Regulations, effective 18 July 1997, and subsequent revisions.

PROCEDURAL REQUIREMENTS

34. All the above and the supplemental information and details in the attached Information Sheet, incorporated by reference herein, were considered in establishing the following conditions of discharge.
35. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of this site for the discharges of waste to land stated herein.
36. The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for post closure maintenance of the former surface impoundments, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
37. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
38. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with Sections 2050 through 2068, Title 23, CCR. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812, within 30 days of the date of issuance of this Order. Copies of the laws and regulations applicable to the filing of a petition are available on the Internet at http://www.waterboards.ca.gov/water_laws/index.html and will be provided on request.

IT IS HEREBY ORDERED that Order No. 92-154 is rescinded, and pursuant to Sections 13263 and 13267 of the California Water Code that Dole Fresh Vegetables Inc, and Wild Rose Vineyards LLC, their agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of 'hazardous waste' or 'designated waste' at this facility is prohibited. For the purposes of this Order, the terms 'hazardous waste' and 'designated waste' are as defined in Division 2 of Title 27 of the CCR.
2. The discharge of solid waste or liquid waste to surface waters, surface water drainage courses, or groundwater is prohibited.
3. The discharge of waste to these closed waste management units or to portions of these waste management units is prohibited.

B. DISCHARGE SPECIFICATIONS

1. The closed waste management units shall be maintained to prevent inundation or washout due to flooding events with a 100-year return period.
2. Precipitation and drainage control systems shall be designed, constructed and maintained to accommodate the anticipated volume of precipitation and peak flows from surface runoff under 100-year, 24-hour precipitation conditions.
3. Annually, prior to **15 October**, any necessary erosion control measures shall be implemented. Any depressions, potholes, tire tracks, rills or other blemishes in the impoundment area cover that may retain water shall be repaired. If necessary, the impoundment area cover shall be regraded to shed stormwater and the vegetation reestablished. Any other construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion or flooding of the site.
4. Fencing around the closed waste management units shall be maintained.

C. RECEIVING WATER LIMITATIONS

Water Quality Protection Standards

The concentrations of Constituents of Concern in waters passing through the Points of Compliance shall not exceed the Concentration Limits established pursuant to Monitoring and Reporting Program No. R5-_____-_____, which is attached to and made part of this Order by reference.

D. FINANCIAL ASSURANCE

1. The Discharger shall, by **30 April of each year**, submit plans with detailed cost estimates and a demonstration of assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the waste management unit. The Discharger shall provide the assurances of financial responsibility to the Regional Water Board as required by Title 27 CCR, Division 2, Subdivision 1, Chapter 6. The assurances of financial responsibility shall provide that funds for corrective action shall be available to the Regional Water Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account for inflation and any changes in facility design, construction, or operation.
2. The Discharger shall, by **30 April of each year** submit plans with detailed cost estimates and a demonstration of assurances of financial responsibility to ensure post-closure maintenance of each waste management unit in accordance with its approved post-closure maintenance plan. The Discharger shall provide the assurances of financial responsibility to the Regional Water Board as required by Title 27 CCR, Division 2, Subdivision 1, Chapter 6. The assurances of financial responsibility shall provide that funds for corrective action shall be available to the Regional Water Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account for inflation and any changes in facility design, construction, or operation.

E. PROVISIONS

1. The Discharger shall comply with the Standard Provisions and Reporting Requirements, dated September 2003, which are hereby incorporated into this Order. The Standard Provisions and Reporting Requirements contain important provisions and requirements with which the Discharger must comply. A violation of any of the Standard Provisions and Reporting Requirements is a violation of these waste discharge requirements.
2. The Discharger shall comply with Monitoring and Reporting Program No. - _____, which is attached to and made part of this Order. This compliance includes, but is not limited to, maintenance of waste containment facilities and precipitation and drainage controls and monitoring groundwater throughout the post-closure maintenance period. A violation of Monitoring and Reporting Program No. _____ is a violation of these waste discharge requirements.

3. **By 31 December 2012**, the Discharger shall submit a report evaluating the effectiveness of the surface impoundments closure in achieving reduction of total dissolved solids, chloride and sulfate concentrations in groundwater. If the report demonstrates that closure has been effective in reducing concentrations and that water quality goals will be reached in a reasonable length of time, the Regional Water Board may revise or rescind WDRs for this site. Alternatively, if the report demonstrates that closure has not been effective further corrective actions will be required.
4. The Regional Water Board will review this Order periodically and may revise requirements when necessary.
5. The Discharger must comply with all local permitting requirements.
6. The Discharger must comply with all conditions of this Order including timely submittal of technical and monitoring reports as directed by the Executive Officer. Violations may result in enforcement action, including Regional Water Board or court orders requiring corrective action, imposition of civil monetary liability, or revision or rescission of this Order.
7. All reports and transmittal letters shall be signed by persons identified below:
 - a) For a corporation: by a principal executive officer of at least the level of senior vice-president.
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - c) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected or appointed official.
 - d) A duly authorized representative of a person designated in a, b or c above if;
 - i) The authorization is made in writing by a person described in a, b, or c of this provision;
 - ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a Unit, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and
 - iii) The written authorization is submitted to the Regional Water Board.

- iv) Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments 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 fine and imprisonment."

8. In accordance with the California Business and Professions Code Sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and stamp of the seal.
9. In the event of any change in control or ownership of the facility, the Discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office. To assume operation as Discharger under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Regional Water Board, and a statement. The statement shall comply with the signatory paragraph of the Standard Provisions and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved by the Executive Officer.

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DOLE FRESH VEGETABLES INC.
POST CLOSURE OPERATION AND MAINTENANCE
FORMER CLASS II SURFACE IMPOUNDMENTS
SAN JOAQUIN COUNTY

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I, Pamela C. Creedon, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

Attachments