

**Regional Water Quality Control Board  
Central Valley Region**

**Board Meeting – 4/5 August 2011**

**Response to Written Comments on  
Tentative Resolution R5-2011-XXXX**

**Authorizing the Executive Officer to Enter into an Agreement for  
Mutual Release and Covenant Not to Sue with  
SVA Group, LLC and Sierra Valley Almonds, LLC  
For  
Two Parcels Containing Concrete Warehouses  
At the Former Oberti Olive Processing Facility, 12806 Road 26  
Madera County, California**

**27 July 2011**

---

At a public hearing scheduled for 4/5 August 2011, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of a Tentative Resolution authorizing the Executive Officer to enter into an Agreement for Mutual Release and Covenant Not to Sue with SVA Group, LLC and Sierra Valley Almonds, LLC for two parcels at the Former Oberti Olive Processing Facility (Former Olive Facility) in Madera County.

This document contains responses to written comments received from interested parties in response to the Tentative Resolution. Written comments from interested parties were required to be received by the Central Valley Water Board by noon on 8 July 2011 in order to receive full consideration. Comments were received prior to the deadline from:

1. Peter Biscay, Anne Sparke, Edith Biscay, and Susan Sparke (received by email 4 July 2011)
2. Lorraine Bennett and Alicia Bennett (received 7 July 2011)

Written comments from the above interested parties are summarized below, followed by the Central Valley Water Board staff response. No other comments were received. The comments are not all directly related to the proposed resolution for the sale of the two warehouses, but mostly address historical environmental issues and concerns relating to previous operations of the olive processing facility. Central Valley Water Board staff met with Peter Biscay and Anne Sparke on 12 July 2011 to discuss their concerns. Concerns were also discussed with Mrs. Lorraine Bennett, during a telephone conversation on 12 July 2011.

---

**Peter Biscay, Anne Sparke, Edith Biscay, and Susan Sparke Comments**

---

**COMMENT #1**

**Rain and water flows from the property to the south across Avenue 12½ and onto our property. Implement stormwater control measures to prevent stormwater from flowing onto our property.**

## **RESPONSE #1**

Storm water along Avenue 12½ likely accumulates from several sources, including runoff from the Ironhorse/Oberti site. Storm water flows along Road 26, collects and travels along Ave. 12½, and due to reportedly poor grading along the sides, at times flows across 12½ and into the Biscay vineyard.

The Central Valley Water Board does not have direct evidence or regulatory authority to take an action regarding the storm water concern. Enforcement of the regulations regarding storm water occurs if runoff has picked up and carries pollutants. The areas of land from which the storm water is generated do not appear to have any sources of pollutants. During the next rainfall event if runoff crosses Road 26, please contact Central Valley Water Board staff so an inspection can be made.

---

## **COMMENT #2**

**The current pollution status of groundwater is unknown since regular groundwater monitoring has ceased. Resume regular groundwater monitoring and reporting and notify neighboring property owners about future monitoring results.**

## **RESPONSE #2**

Groundwater monitoring was last performed in 2004 by California Olive Growers, the last responsible party. Data reviewed by Central Valley Water Board staff at that time indicated concentrations of chloride (salt), the historical constituent of concern from the site, had been reduced significantly by years of groundwater extraction. That same year, California Olive Growers went bankrupt, which left no responsible party to pay monitoring costs. In 2006 when Ironhorse/Oberti purchased the former olive processing property, they were notified that they were considered liable for all preexisting environmental conditions associated with the property they purchased. Some limited monitoring of wells on the site was conducted in 2007 by Ironhorse/Oberti, however most of the wells had gone dry due to lowering groundwater levels in the region. Results for chloride were well below the State of California regulatory drinking water standards.

Two sets of offsite ponds (Process & Remote) that were associated with the Former Olive Processing facility were purchased by Mr. Michael Hat. In 2008, Mr. Hat was notified that he was considered liable for all preexisting environmental conditions associated with the properties they purchased. Neither of the property owners has indicated any development plans (copies of the correspondence were provided during our meeting).

Ironhorse/Oberti is still liable for any development on the former Olive Processing Facility property. The owner of the ponds is liable for the final pond closure/development. Issues regarding the need for additional groundwater monitoring, well abandonment, and/or other environmental issues will be addressed during that time.

The complete administrative files regarding the Oberti/TriValley Growers and California Olive Growers are always available for review during normal working hours at the Central Valley

Water Board office. The files contain all correspondence, technical information and reports submitted. Central Valley Water Board staff will respond promptly to any telephone, electronic, or written inquiries about the current status of these projects.

---

### **COMMENT #3**

**There is no policy to require action should water quality be compromised. Set up policy and establish a trust to provide funding to resume regular groundwater monitoring and reporting to property owners about results.**

**If monitoring results indicate continued impacts take appropriate action and, if necessary, replace any impacted domestic and agriculture supply wells, or install well filtration and purification systems, or provide potable drinking water.**

### **RESPONSE #3**

Ironhorse/Oberti and the pond owners have been notified of the liability regarding the sites they purchased, and are considered the responsible parties should either historical or new issues arise.

The Tentative Resolution for sale of the warehouses finds that the SVA Group LLC and Sierra Valley Almonds LLC are not considered liable for issues originating from the Site, unless they take actions that exacerbate any preexisting problem. Any significant changes to the warehouse and/or the property included in the purchase will be reviewed by Central Valley Water Board staff.

---

### **Lorraine Bennett and Alicia Bennett Comments**

---

### **COMMENT #1**

**The old pond behind the warehouses had concrete poured over it. The concrete has since been removed exposing the contaminated soil beneath it.**

### **RESPONSE #1**

Historical information indicates that several feet of clean clay soil was used to fill the old ponds, leaving no contaminated soil exposed. A concrete building slab on a small area of one of the ponds was removed by Ironhorse/Oberti during site cleanup when most of the historical olive processing structures, tanks, and equipment were removed. The pond area has been graded so that storm water will not pond.

---

**COMMENT #2**

**We remain concerned about the contaminated groundwater plume.**

**RESPONSE #2**

Groundwater monitoring was last performed in 2004. Many of the monitoring wells have gone dry due to the lowering groundwater levels in the region. Groundwater flow is to the southwest and much of the historical contamination (plume) that originated from the old clay-lined ponds has flowed downgradient and/or been diluted by fresh water. Monitoring results showed significant declines in chloride concentrations in groundwater.

The Department of Public Health recommended secondary drinking water standard for chloride is 250 milligrams per liter. Monitoring results from 2007 indicated three wells near the old clay lined ponds on the Ironhorse/Oberti property had chloride concentrations in the range of 50 to 60 milligrams per liter. Recent sampling results for two domestic wells and one agricultural well just south of the Ironhorse/Oberti property had chloride concentrations of 18 milligrams per liter (mg/L), 30 mg/L, and 20 mg/L respectively. These low concentrations are within the range of background chloride levels for the region. Should issues arise regarding new impacts to private wells attributable to the historical olive processing operation, the appropriate party will be held liable.

---

**COMMENT #3**

**We are concerned about the underground pipeline between the Site and the Remote Ponds to the west on Road 25.**

**RESPONSE #3**

The pipeline that carried extracted groundwater to the ponds for disposal is located within the right-of-way easement belonging to Madera County. The Central Valley Water Board does not have authority to require removal of the pipe.

---

**COMMENT #4**

**The Remote Ponds on Road 25 have a contaminated dust problem when dry and an odor problem when wet.**

**RESPONSE #4**

These issues will be addressed during the closure process.

---

**COMMENT #5**

**We are concerned about the Processing Ponds on Road 26.**

**RESPONSE #5**

The new owners of the Former Olive Facility brine disposal ponds will be required to submit a plan to close both sets of ponds. Groundwater monitoring data contained in the project file have never indicated impacts to the underlying groundwater attributable to brine waste from the Process Ponds on Rd 26.