

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 6-7 December 2012**

**Response to Written Comments for Olam Tomato Processors, Inc., and
Westlake Farms, Inc.,
Olam Tomato Processing Lemoore Plant
Initial Study/Proposed Negative Declaration and
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 6 and 7 December 2012, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of Initial Study/Proposed Negative Declaration and Waste Discharge Requirements (WDRs) for Olam Tomato Processors, Inc., and Westlake Farms, Inc. This document contains responses to written comments received from interested parties regarding the Tentative WDRs (TWDRs) initially circulated on 10 September 2012. Written comments from interested parties were required by public notice to be received by the Central Valley Water Board by 15 October 2012 to receive full consideration. Comments were received by Olam Tomato Processors, Inc., and the Native American Heritage Commission.

Written comments from the above interested parties are summarized below, followed by the response of the Central Valley Water Board staff.

OLAM TOMATO PROCESSORS, INC. (OLAM) COMMENTS

On 9 October 2012, Brown and Caldwell, submitted comment regarding the TWDRs on behalf of Olam Tomato Processors, Inc., (Olam). On 15 October 2012, BSK Associates Engineering & Laboratories also submitted comments on behalf of Olam.

9 October 2012 OLAM Letter – COMMENT No. 1: Olam requests that the second sentence of Finding 10 of the TWDRs be deleted. Olam plans to irrigate the entire 995 acres.

RESPONSE: Finding 10 of the TWDRs has been modified to read:

“Olam began discharging its food processing wastewater to the new 995-acre LAA owned by Ceil and Gerri Howe and Westlake Farms, Inc. According to the 2011 RWD, approximately 555 acres of land will be irrigated with wastewater and the remaining 440 acres of land will be reserved for emergency discharges. Olam subsequently informed the Central Valley Water Board that it will use the entire 995-acre LAA for wastewater disposal.”

9 October 2012 OLAM Letter – COMMENT No. 2: Olam requests that language in Finding 21 of the TWDRs be modified to describe a three monitoring well network instead of a four monitoring well network. Olam states it does not have access to monitoring well MW-8 (upgradient well) as it is on property not owned or controlled by Olam.

RESPONSE: Central Valley Water Board staff has modified the language as requested. The three monitoring wells (MW-20 through MW-22) at Olam are all downgradient wells. At a minimum one upgradient well is needed to evaluate changes in groundwater conditions. Central Valley Water Board staff has also added provisions requiring Olam to install an upgradient monitoring well.

9 October 2012 OLAM Letter – COMMENT No. 3: Olam requests that Discharge Specification C.14. of the TWDRs be deleted, as it is not applicable to the proposed discharge because there is no discharge to unlined ponds.

RESPONSE: The change has been made.

15 October 2012 OLAM Letter – COMMENT No. 1: Olam states that Section II, Line 5. *Project sponsor's name and address*, of the CEQA Initial Study/Proposed Negative Declaration is incorrect. Olam also requests that the Initial Study/Proposed Negative Declaration list physical, mailing, and legal mailing addresses for Olam.

RESPONSE: Central Valley Water Board staff has addressed these minor corrections in the Resolution approving the Initial Study/Negative Declaration.

15 October 2012 OLAM Letter – COMMENT No. 2: Olam states that the 440 acres of farmland described as emergency land in the RWD will actually be used as the part of its current wastewater disposal area. Olam requests that both the Initial Study/Negative Declaration and TWDRs be revised to reflect that Olam will use the entire 995 acres for wastewater disposal.

RESPONSE: Central Valley Water Board staff has modified Finding No. 10 of the TWDRs as requested and noted this minor change in the Resolution approving the Initial Study/Negative Declaration.

NATIVE AMERICAN HERITAGE COMMISSION (NAHC) COMMENTS

On 24 September 2012, NAHC submitted comments regarding the Proposed Initial Study/Negative Declaration and TWDRs.

NACH Letter – COMMENT No. 1: NAHC recommends that the Central Valley Water Board request a Sacred Lands File search to ensure the proposed project does not impact Native American cultural resources.

RESPONSE: The Central Valley Water Board filed a Sacred Land File search request. By letter dated 25 September 2012, NACH stated that Native American cultural resource sites were not identified within one-half mile from the project site.

NACH Letter – COMMENT No. 2: NAHC also recommended that the Central Valley Water Board contact Native American tribes in the area to avoid unanticipated discoveries of cultural resources or burial sites once the project was underway.

RESPONSE: On 9 October 2012, Central Valley Water Board staff contacted Lalo Franco, Cultural Coordinator with the Santa Rosa Tachi Rancheria regarding the proposed project. Mr. Franco stated he had no concerns regarding the proposed project.