

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 25/26 July 2013**

**Response to Written Comments for
Diestel Turkey Ranch
and
Timothy J. and Joan C. Diestel
Tuolumne County
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 25/26 July 2013, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs) for the Diestel Turkey Ranch (the Ranch). This document contains responses to written comments received from interested parties regarding the tentative WDRs circulated on 30 April 2013. Written comments from interested parties were required by public notice to be received by the Central Valley Water Board by 5:00 pm on 3 June 2013 to receive full consideration. On behalf of the Discharger (also referred to as “Diestel”), comments were submitted by Sheppard Mullin Richter & Hampton, LLP (Sheppard Mullin).

Written comments from Sheppard Mullin are summarized below, followed by the responses of Central Valley Water Board staff. Based on the comments, Central Valley Water Board staff did make some changes to the tentative WDRs. Central Valley Water Board staff also made some changes to the tentative WDRs to correct typographical errors and to improve clarity.

SHEPPARD MULLIN RICHTER & HAMPTON, LLP COMMENTS

On 24 May 2013, Sheppard Mullin submitted the following comments via email.

Sheppard Mullin Comment No. 1: Discharge Specification B.1

Discharge Specification B.1 of the Tentative WDRs limits the operation of the Waste Water Treatment Plant (WWTP) during certain months, apparently based on the assumption that wastewater generation from the turkey processing facility will be reduced or eliminated during these months. However, Sheppard Mullin indicates full operation of the WWTP still may be needed during these months to treat captured storm water from the processing facility footprint. Diestel requests Discharge Specification B.1 be revised to allow full operation year-round of the WWTP, as needed.

Response: Central Valley Water Board staff agree. The requested revisions to Specification B.1 and other Provisions and Specifications in the tentative WDRs adequately regulate the discharge from the WWTP and are consistent with the water and mass balances submitted by Diestel in its Report of Waste Discharge. Therefore, Discharge Specification B.1 of the tentative WDRs has been revised as follows:

1. As determined by measuring the flow at monitoring location EFF-001¹, the discharge from the WWTP shall not exceed:
 - I. A monthly average discharge of 50,000 gpd ~~during June through November, or~~
 - II. ~~A monthly average discharge of 25,000 gpd during December, April and May,~~
and

III. A maximum daily discharge of 100,000 gpd when the WWTP is in operation.

The second paragraph of the “Discharge Prohibitions, Effluent Limitations, Discharge Specifications, and Provisions” section on page 7 of the Information Sheet was also revised to reflect the change made to Specification B.1.

Sheppard Mullin Comment No. 2: Finding 17

Sheppard Mullin indicates that for the same reason as Comment No. 1, Finding 17 should be revised to reflect that discharge from the processing facility, rather than discharge from the WWTP, is subject to seasonal fluctuation.

Response: Central Valley Water Board staff agree. Finding 17 of the tentative WDRs has been revised as follows:

From June through November, peak processing flows **from the processing facility** ~~for the DAF unit and WWTP~~ are up to 50,000 gpd. These flows normally reduce to about 50 percent in December, April, and May. There is normally no flow in January, February, and March.

The second paragraph of the “Wastewater” section on page 2 of the Information Sheet was also revised to reflect the change made to Finding 17.

Sheppard Mullin Comment No. 3: Discharge Prohibition A.4

Discharge Prohibition A.4 of the Tentative WDRs prohibits the discharge of waste from the processing facility during January, February and March. Although the the processing facility does not normally operate during January, February, and March, Diestel would like to retain the operational flexibility to have some discharge from the processing facility during these months to allow for necessary activities such as processing facility cleaning, bagging operations, or other limited processing operations. Therefore, Diestel requests that Discharge Prohibition A.4 be deleted. The other Discharge Prohibitions and Specifications of the tentative WDRs adequately limit the schedule for discharge.

Response: Central Valley Water Board staff agree. Discharge Prohibition A.4 has been deleted from the tentative WDRs.

Sheppard Mullin Comment No. 4: Treated Wastewater Pond Liner Installation

Provision F.3 of the Tentative WDRs requires Diestel to submit a Design Plan for liner installation in the treated wastewater storage pond by 1 October 2013, and, following Executive Officer approval of the Design Plan, complete installation of the liner by 1 February 2014. This Provision likely would require construction during the rainy season

when storage is needed. Diestel, therefore, requests that the Provision be revised to require submittal of a Design Plan by 31 March 2014, with construction to be performed during the subsequent dry season and completed by 1 October 2014.

Response: Central Valley Water Board staff agree. Provision F.3 of the tentative WDRs has been revised to require the submittal of the Design Plan by 31 March 2014, with liner installation completed by 1 October 2014.

Sheppard Mullin Comment No. 5: Groundwater Limitations

For clarity, Diestel suggests that Groundwater Limitations E.1 be revised as follows:

4. Release of waste constituents associated with the discharge shall not cause or contribute to groundwater: ***containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality for the specified constituents, whichever is greater.***
 - a. ~~Containing constituent concentrations in excess of the concentrations specified below or natural background quality, whichever is greater:~~
 - (i) Nitrate as nitrogen of 10 mg/L¹.
 - (ii) Electrical Conductivity of 900 umhos/cm².
 - (iii) Total coliform organisms equal to or greater than 2.2 MPN/100 mL over any 7-day period.
 - (iv) For constituents identified in Title 22 ***of the California Code of Regulations***, the MCLs quantified therein^{1,2}.

¹ Primary MCLs applied as an instantaneous concentration.

² Secondary MCLs applied as an annual average concentration.

Response: Central Valley Water Board staff agree with the comment. Groundwater Limitations E.1 has been revised, as requested above.