

**Orellana, Lucio@Waterboards**

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**From:** Dan Sholl <dsholl@calsprouts.com>  
**Sent:** Wednesday, August 20, 2014 3:16 PM  
**To:** Orellana, Lucio@Waterboards  
**Cc:** Tess Dunham  
**Subject:** CA Sprouts NOV Response Letter 08/20/14  
**Attachments:** CA Sprout NOV Response 082014.pdf

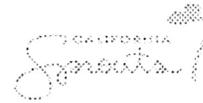
Good afternoon Lucio,

Please see the attached response Letter that addresses the July 25, 2014 Notice of Violation letter. I will certify mail you a copy today for your files with copies for Wendy Wyels, Nicole Morgan and Laura Drabandt.

Thank you

Dan

**Dan Sholl**  
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August 20, 2014

Mr. Lucio Orellana  
Water Resources Control Engineer  
NPDES Compliance and Enforcement Unit  
California Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Re: California Sprouts, LLC. dba  
Pacific Coast Sprout Farms, Inc.  
Order No. R5-2008-0082-027  
Order No. R5-2013-0073-027  
NPDES Permit No. CAG995002  
Response to NOV Letter July 25, 2014

Dear Mr. Orellana:

With this correspondence, I am addressing the Self-Monitoring Report Reviews and Notice of Violation letter dated July 25, 2014. Per the electronic communication sent by Ms. Laura Drabandt from the State Water Resources Control Board's Office of Enforcement, the deadline for submitting this response was extended from August 15, 2014 to August 20, 2014. Our explanation for the missed reports is provided first, followed by the specific actions that we are taking to ensure that there are no missed reports in the future.

#### I. Explanation for Missed Reports

In 2012, we went from having an individual NPDES permit to discharging under the Limited Threat General Waste Discharge Requirements Order R5-2008-0082 (General Order). With this change, the effluent limitations and the monitoring program changed significantly. Due to the changes, we faced confusion with respect to requirements associated with monitoring and reporting. Specifically, we took efforts to ensure that proper recording of the information was conducted. We kept the records on file, and then attempted to submit the information through the CIWQS system. At that time, we were not aware that CIWQS was not set up or available for entities operating under the General Order. Not realizing that we were supposed to file paper reports, I continued to attempt to submit information into CIWQS. After repeated failures, I, as General Manager of California Sprouts, must admit that I lost track of the responsibility to follow up with Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff, and ultimately failed to send in written Self-Monitoring Reports (SMRs) per the order. I take responsibility for this oversight and sincerely regret not following through. Please be certain that this error was an honest mistake, and not done with intent or malice.

Although we did not submit the required quarterly SMRs, we generally continued to monitor for the various parameters as was required by the General Order. However, as we indicated in previous reports and oral communications, there were occasions when monitoring did not occur as specifically required by the General Order. All monitoring results obtained have been retained on file at the facility. Although not an excuse, since we did not receive any notices from the Central Valley Water Board, we continued to monitor, but kept the information on file at the facility.

With respect to electrical conductivity (EC) monitoring, there were several months over the last two years when monitoring for EC was missed. This again was oversight on my part.

With respect to pH monitoring, over the last several years, I have checked pH levels periodically with paper litmus tests, and then estimated the pH for days when pH readings were not taken. The estimated daily values were provided on an electronic spreadsheet to you on August 8, 2014 with our response to the Notice of Violation and Draft Record of Violations for Assessing Mandatory Minimum Penalties. As of July 7, 2014, we became aware of the fact that our method for testing and estimating pH was not proper and did not comply with the General Order. Since learning of this error, we consulted immediately with California Laboratory Services, and learned that we needed to obtain a meter for testing pH levels daily. As of July 8, 2014, we began using a NPDES approved meter and have been taking daily pH readings in accordance with the General Order. The Quarterly Report that will be due on November 1, 2014 for the months of July, August and September, will include proper, daily pH readings and flow. We have also implemented a standard operating protocol (SOP) for proper pH reading and meter calibration. Implementation of this SOP will be the primary responsibility of the Quality Control Supervisor who reports to the Operations Manager. Employee training on proper pH reading, calibration and reporting has occurred and been documented, and there will be re-training occurring at a minimum of 1 time per year.

Although our monitoring and reporting efforts have not been consistent, for which we apologize, we are confident that our actions have in no way caused harm to the environment. Our process, as well as the very strict food safety rules we operate under, ensures that our operation does not add pollutants to the groundwater that we use in our growing operation. As is indicated in our Notice of Applicability, no chemicals are used in our growing process. Any wash water, which may contain small amounts of chlorine, is discharged directly in to the sanitary sewer system and is not discharged into the storm drain system.

## II. Actions That Are Being Taken To Ensure Compliance

In an effort to establish action steps moving forward, we are implementing new procedures within our organization to monitor for the appropriate parameters, in the timely manner. We have also worked out the details of the monitoring procedures through a consult meeting with California Lab Services in Rancho Cordova, CA to identify the specific parameters, and to establish proper standard protocols that are mandated under the permit. We have also set up a schedule with our laboratory to ensure that they are assisting with conducting the particular tests on the established timeframe.

Further, to ensure that all SMRs are filed in a timely manner, we have implemented a new system with the Operations Department to ensure that all information is compiled and available at the end of each month for review and submission. The Operations Manager has been specifically trained to manage this process and compiles the reports for submittal. He has complete ability to oversee and to submit the reports in the event that I am unable to complete any SMRs by the due date. We have also instituted an electronic calendaring system that provides us with reminders with respect to SMR submittal dates. These reminders occur at various intervals prior to the quarterly report due date. I would also like to work directly with you to answer any further questions that we may have to ensure proper compliance.

My sincere goal is to ensure that the company is complying with all permit provisions and that all SMRs are properly filed in a timely manner. As a small produce company, who employs 25 people, I have been responsible for the various regulatory items to ensure that we are providing a safe product to our consumers, as well as comply with all food regulations and government agencies. My hope is to work with the Central Valley Water Board to move forward and ensure that California Sprouts complies with the NPDES permit.

If you have any questions with respect to the above, please contact me at (916) 381-6054  
[dsholl@calsprouts.com](mailto:dsholl@calsprouts.com) .

Sincerely,

Daniel J. Sholl  
General Manager  
California Sprouts, LLC



cc: Wendy Wyels  
Nichole Morgan  
Laura Drabandt