11 September 2015

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NOTICE OF VIOLATION AND REPORT OF 20 AUGUST 2015 INSPECTION, THE MORNING STAR PACKING COMPANY, L.P., COLUSA COUNTY

The Morning Star Tomato Packing Plant which is owned and operated by Morning Star Packing Company, L.P. (Discharger) is regulated by the Central Valley Regional Water Board under Waste Discharge Requirements (WDRs) Order R5-2013-0144.

Between the 6th and 14th of August, the Colusa County Environmental Health Department received multiple odor complaints as a result of the tomato processing operations and wastewater discharges occurring at the Morning Star Tomato processing facility just south of the City of Williams.

On 14 August 2015, Board staff was informed during a phone conversation with the Discharger that the odors were originating from the facility as result of organic matter (i.e. tomato juice) that was pumped into the cooling pond, as well as a reduction of water being used at the plant. At the conclusion of the conversation, Board staff requested the following information to be submitted daily (a) odor monitoring from chosen locations along the boundaries of the facility along with dissolved oxygen measurements from both the settling and cooling pond. To prevent long term nuisance conditions, the Discharger was also asked to submit a technical report by **26 August 2015** describing how the odor violations occurred and what steps to be taken to prevent odors from the plant in the future. In the meantime, on 20 August 2015, Board staff inspected the Morning Star Tomato Packing Plant to understand why odors were creating nuisance conditions for the nearby residents. The result of the inspection along with review of the data included in the Discharger's Daily Assessment Reports, staff has identified and multiple violations of the WDRs associated with the inability to maintain and operate the facility to prevent nuisance conditions; the illegal discharge of wastewater into the cooling pond, the illegal expansion of the cooling pond, the non-approved removal of land application areas. To summarize, Morning Star Packing Company has dramatically increased their production without review and approval of the Regional Board, consequently there are numerous violations of the existing WDRs that must be addressed **forthwith**. The inspection report, which includes photographs, is enclosed for your records.

Violations of the WDRs

- The WDRs specifically address nuisance conditions. Discharge Specification D.7 states: *"Objectionable odors shall not be perceivable beyond the limits of the property where the waste is generated, treated, and/or discharged at an intensity that creates or threatens to create nuisance conditions."* The Discharger is in violation of its WDRs as follows: (a) Board staff received five odor complaints that were reported to Colusa County Environmental Health between 6 and 14 August 2015, (b) odors were noted beyond the limits of the property at the corner of Husted and Abel roads during the inspection, and (c) the Daily Assessment Reports submitted through 9 September 2015 show that since odor observations at the corner of Abel and Husted were included in the reports that slight odors were consistently reported at this location until 6 September 2015. In addition, the reports show that slight odors have occasionally been reported at other locations that are being monitored. Because of these odors, the Discharger is in violation of its WDRs.

- The lack of dissolved oxygen in any pond will result in the generation of nuisance conditions, including odors. Discharge Specification D.8 of the WDRs states: "As a means of discerning compliance with Discharge Specification D.7, the dissolved oxygen (DO) content in the upper one foot of any wastewater pond shall not be less than 1.0 mg/L for three consecutive sampling events..." Board staffs review of Daily Assessment Reports through 9 September 2015 show that DO concentrations using direct probe measurements were at concentrations of less than 1.0 mg/L in samples taken from the cooling pond on 8 August 2015 through 13 August 2015 (6 days), 15 August 2015 through 21 August 2015 (7 days), 24 August 2015, and on 29 August 2015. In addition, DO concentrations using direct probe measurements were at concentrations of less than 1.0 mg/L in samples taken from the settling pond on 14 August 2015 through 2 September 2015 (20 days), and on 4 September 2015 through 7 September 2015 (4 days). Because these DO concentrations are less than 1.0 mg/L, the Discharger is in violation of its WDRs.

- Board staff observed that the cooling pond had been expanded and Land Application Area MS 20A, 20B, and 21 removed. The Discharger indicated that the pond had been expanded from 60 acres to approximately 100 acres in size. Because the cooling pond was expanded, and Land Application Areas (MS 20A, 20B, and 21) were removed as part of the expansion, the Discharger is in violation of the WDRs. Provision H.11 states: "*As described in the Standard Provisions, the Discharger shall report promptly to the Central Valley Water Board any material change or proposed change in the character, location or volume of the discharge.*" The volume and character of your waste stream has increased, meanwhile the area used for land application diminished, both situations are considered violations of the WDRs

- Board staff was informed by the Discharger during the inspection and in their 24 August 2015 technical response that water containing organic matter had been pumped directly into the cooling pond. The discharge of wastewater not described in the WDRs. Discharge Prohibition A.3 states: *"Discharge of waste at a location or in a manner different from that described in the finding is prohibited."* Directing the high strength, organic rich wastewater is a violation of the WDRs.

- Board staff observed some tomato solids in the main ditch area being removed which was caused by solids being released ditch due to a plugged settling pond pump. According to

the Discharger, the tomato solids were discharged to the ditch due to a plugged settling pond pump. Disposal Specifications G.2 of the WDRs states: *"...sludge, solid waste, or residual solids shall be removed from screens, sumps, and ponds as needed to ensure optimal operation and adequate storage capacity."* Failure to maintain the equipment necessary to prevent solids from entering the ditches is a violation of the WDRs.

- While the facility processes appear to be functioning at peak output, this may be occurring contrary to what is allowed in the WDRs. Failure to maintain the irrigation ditches, the ability to control odors, or prevent the illegal discharge of organic rich wastewater into the cooling pond indicate the systems at the plant are operating outside to limits envisioned in the WDRs. Discharge Specification D.5 states: *"The Discharger shall operate all systems and equipment to optimize the quality of the discharge."* Each item listed above is a violation of Discharge Specification D.5.

- It appears that waste was also being discharged in areas not allowed in the WDRs. Board staff observed water and solids in ditches located next to the tomato solids staging and storage area located southeast of the wastewater settling pond. Based on this observation, the Discharger is in violation of the WDRs. Discharge Specification D.15, states: *"Storage of residual solids, including cull tomatoes, vines, pomace (seeds and skins) on areas not equipped with means to prevent storm water infiltration, or paved leachate collection system is prohibited."*

- Board staffs review of Daily Assessment Reports through 9 September 2015 show that pH concentrations in the settling pond was reported at 3.9 in samples collected on 6 September 2015 through 9 September 2015. Discharge Specification D.14 states: *"Wastewater contained in the Cooling Pond shall not have a pH less than 6.0 or greater than 9.0. Wastewater contained in the Settling Pond shall not have a pH less than 4.0 or greater than 9.0."* Because the pH results are less than 4.0, the Discharger is in violation of its WDRs.

Other Concerns

- Board staff observed construction equipment on an area just north of the cooling pond. It is our understanding that this is the future site of a new warehouse building. Be advised that discharges of storm water associated with construction that results in the disturbance of one acre or more of land must **forthwith** apply for coverage under the State Water Resources Control Board General Storm Water Permit 2009-0009-DWQ.

- Our records show that the Discharger does not have coverage under the State Water Resources Control Board's General Permit 2014-0057-DWQ for storm water discharges associated with industrial activities.

Required Submittal

Standard Provisions Provision A.10 states: "*the fact that it would have been necessary to halt or reduce the permitted activity in Order to maintain compliance with this Order shall not be a defense for the discharger's violations of the Order*". Therefore, by **1 October 2015**, the Discharger shall submit a plan and schedule for complete compliance with WDRs Order R5-2013-0144 prepared and stamped by California Registered Civil Engineer that includes the following:

1. A complete set of all design documents, as built drawings, bid documents and construction quality assurance plans used for the expansion of the cooling pond.

2. A plan for replacing Land Application Area MS 20A, 20B, and 21 that were removed as a result of the expansion of the cooling pond.

3. A proposed location and depth for additional groundwater monitoring wells for the entire cooling pond.

4. A revised water balance which accounts for all cooling water, freshwater, wastewater and storm water discharged as a result of operations at the Morning Star facility regulated under WDRs Order R5-2013-0144.

5. A technical explanation regarding why and how tomato juice was discharged into the cooling pond and tomato solids were present in the ditches.

6. Specific steps and schedule that will be implemented to address the odor, dissolved oxygen, and pH violations, and how recurrence will be prevented.

7. Standard Operating Procedures for collecting representative DO samples from the settling and cooling ponds are required by the WDRs. This is necessary because during the inspection, Board staff observed DO measurements in the settling pond of less than 1.0 mg/L using a direct probe sampling technique, and DO measurements of greater than 1.0 mg/L using a grab sampling technique.

8. Submit a Notice of Intent to comply with both the industrial and construction stormwater permits via the State Water Quality Control Board's Storm Water Multiple Application & Reporting System.

Board staff is extremely concerned the Discharger's complete disregard of compliance with the WDRs. The Regional Board expects complete compliance with WDRs it has issued. We will review your technical report and evaluate the type of additional enforcement actions that will be taken.

As a reminder all documents including monitoring reports shall be converted to a searchable Portable Document Format (PDF) and submitted by email to centralvalleysacramento@waterboards.ca.gov. The e-mail shall contain the following: (a) The Morning Star Packing Company, LP, (b) Title and Date of the Report, and (c) CIWQS Place ID No. 272617. Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to our office, attention "ECM Mailroom

If you have any questions regarding this Notice of Violation or Inspection Report, or submitting the documents, please contact Guy Childs at (916) 464-4648 or at gchilds@waterboards.ca.gov.

Howard Hold

HOWARD HOLD, P.G.
Senior Engineering Geologist
WDR Compliance and Enforcement Unit

Encl: Inspection Report
Inspection photographs

cc: Craig Erickson, Colusa County Environmental Health Department, Colusa
Kuljeet Mundi, Colusa County Environmental Health Department, Colusa
City of Williams Building Department, Williams
Ross Oliveria, The Morning Star Packing Company, Inc., Williams

CIWQS Inspection No: 21695099

Violation ID Nos: 995737, 995738, 995739, 995742, 995744, 995746, 995747, 995748, 994759, 995750, 995751, 995752, 995753, 995754

Hfh/gjc: 10 Sept-15

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The Morning Star Packing Company, Inc.
724 Main Street
Woodland, CA 95695

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Fred Gobel
3552 W. Deerfield Drive
Eagle, ID 83616

PS Form 3800, August 2006 See Reverse for Instructions

INSPECTION REPORT

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

DATE: 11 September 2015

DISCHARGER: The Morning Star Packing Company, L.P., and Fred Gobel

LOCATION & COUNTY: Colusa County

CONTACT(S): Chris Rufer, Fred Gobel

INSPECTION DATE: 20 August 2015

INSPECTED BY: Howard Hold, Guy Childs

ACCOMPANIED BY: Nira Raj, Troy Cano

The Morning Star Tomato Packing Plant which is owned and operated by Morning Star Packing Company, L.P. (Discharger) is regulated by the Central Valley Regional Water Board under Waste Discharge Requirements (WDRs) Order R5-2013-0144. The facility processes tomatoes from approximately June to mid-October of each year. Tomatoes are received in trucks, transported into the plant by flumes, and then processed into tomato paste. According to the WDRs, wastewater generated by the flumes is discharged into an unlined settling pond and then land applied to approximately 609 acres of crop land owned by Morning Star Packing, and 95 acres of cropland owned by Fred Gobel. In addition, the WDRs state that wastewater generated by the processing plant's evaporator system is discharged into a 60 acre (210 acre-foot) unlined cooling pond.

OBSERVATIONS AND COMMENTS:

The following summarizes the observations made and information obtained during the inspection:

- At 0802 am on the morning of 20 August 2015, Board staff noted slight odors at the corner of Husted and Abel Roads, which is northwest of the facility and adjacent to Monitoring Well 5 (Figure 1).

- At 0810 am, Board staff did not note any odors at the main entrance to facility along Husted Road. The wind direction at the time of the inspection was less than 5 mph towards to the northwest.

- Standing water was observed on property located northeast of the cooling pond. Mr. Raj indicated later that this was groundwater. In addition, construction equipment was also observed on property located northeast of the cooling pond (Figure 2). Mr. Raj also informed staff that the Discharger was constructing a new warehouse building.

- After arriving on the property owned by the Discharger, Board staff met with Nira Raj and Roy Cano. We then provided are credentials and informed the Discharger that we inspecting the facility because of odor complaints.

- The inspection began in the southern area of the facility. Board staff observed water and tomato solids in ditches located next to the tomato solids staging and storage areas located southeast of the wastewater settling pond (Figures 3, 4, and 5). Board staff was not clear why these ditches contained standing water and solids. Odors were noted in these areas of the facility.

- Some odors were noted at the tomato unloading area (Figure 6 and 7), and adjacent to the wastewater settling pond (Figures 6 through 10).

- Board requested an opportunity to observe the Discharger's technician collect Dissolved Oxygen (DO) measurements from the settling pond using a hand held instrument (Figures 10 through 12). Both grab samples and direct readings from one foot below the surface of the water were taken. DO readings were taken from the north end of the pond at the location of the three intake pumps, the effluent flow structure located along the northeast side of the pond, and from the south end of the pond. Grab samples were collected using a glass bottle attached to a pole which was submerged one foot below the surface. The sample was then poured into a plastic bottle and the DO measurement taken. The DO measurements taken from the bottle sample ranged from 1.12 to 3.38 mg/L. While the DO measurements taken using directly from the pond were all less than 1.0 mg/L Discharge Specification D.8 of the WDRs states that the DO in the wastewater pond shall not be less than 1.0 for three consecutive sampling events.

- Because of the significant difference in DO measurements, Board staff informed the Discharger to continue taking DO measurements on a daily basis using both sampling methods, and continue submitting the information in the Daily Assessment Reports. In addition, Board staff indicated that a Standard Operating Procedure for collecting and analyzing DO samples needed to be developed to ensure that the samples being collected and analyzed were representative.

- One mechanical aerator was observed in the wastewater settling pond (Figures 6, 8, 9 and 10). Mr. Raj indicated that the aerator operates 24 hours per day and seven days per week. Board staff suggested that additional aeration was needed to increase the dissolved oxygen levels in the pond.

- The freeboard in the wastewater settling pond was observed at 3.3 feet based on a freeboard staff gauge (Figure 9). A scum layer was observed on the surface of the pond (Figures 6, 8, 9 and 10). Discharge Specification D.9 of the WDR requires that the operating freeboard in any pond shall never be less than two feet.

- The freeboard in the cooling pond (Figure 18) was observed at three feet based on a staff gauge. Minor vegetation was observed along the edges of the pond (Figures 16, 18, and 19). Mr. Raj indicated that a 60 acre expansion to the cooling pond was completed in June 2015, increasing the size of the pond to approximately 100 acres. No aerators were observed in the cooling pond.

- Board staff observed the Discharger's technician collecting DO measurements from the cooling pond. A DO measurement from the south end of the pond was 0.20 mg/L using the direct probe measurement technique, and 1.87 mg/L from a grab sample which was poured into a bottle and measured.

- Mr. Raj indicated that three new evaporators were added to the facility during the winter of last year. He also indicated that in July 2015, during start-up that there was a problem which resulted in tomato juice being discharged into the cooling pond.

- Mr. Raj indicated there are ultrasonic flow meters at the three metering structures to the main ditch (Figure 20). The meters are calibrated on an annual basis.

- At the time of the inspection, wastewater was being applied to land application areas (MS 2 and MS 3). Wastewater is applied to the land application areas using flood irrigation method through a series of checks. Mr. Cano indicated that there are typically five to seven checks per section that is irrigated. These fields are planted in sudan grass.

- Mr. Cano indicated that flood irrigation methods were used on all land application fields, except for MS 24 which uses a pivot sprayer system. This improvement was discussed in the Dischargers 28 May 2015 Irrigation Management Implementation Report.

- Board staff observed facility staff removing tomato solids from the main ditch area and using a portable pump to the recirculate water in the ditch. Mr. Raj indicated that there had been a recent upset with the settling pond where the pumps had plugged up and some tomato solids were released to the main ditch. He also indicated that they were planning to install a rotary screen in the main ditch. In addition, Board staff observed some tomato solids along the edges of the irrigation ditches and the checks (Figures 23 and 24).

INSPECTION SUMMARY:

During the inspection, Board staff observed several violations of your WDR. Those violations are discussed in the Notice of Violation.

Guy Childs

Guy Childs, P.G
Engineering Geologist
WDR Compliance and Enforcement Unit

CIWQS Inspection No. 21695099

Approved:		

Figure No. 1: Groundwater monitoring well located at the corner of Husted and Abel Roads. Staff detected slight odors at this location

Figure No. 2: Looking southeast at standing water located on property northeast of the cooling pond. The source of the ponded water is unknown. A new warehouse building will be located in the area of the construction equipment.

Figure No. 3: Tomato solids staging/storage area located southeast of the settling pond.

Figure No. 4: One of the ditches located near the tomato solids staging/storage areas. Some tomato solids were observed in the ditch.

Figure No. 5: Looking north at the main ditch. Some solids were observed in the ditch. The tomato unloading area is located west of the ditch.

Figure No. 6: Looking north at the tomato unloading area and the settling pond.

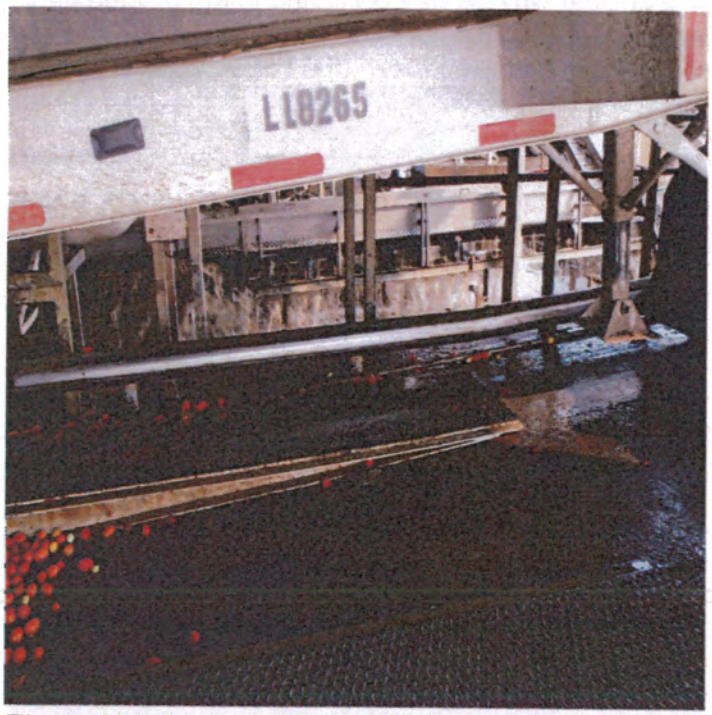

Figure No. 7: Operations within the tomato unloading area.

Figure No. 8: Looking south from the tomato unloading area at the settling pond. Note, there is only on aerator in this pond.

Figure No.9: Effluent flow structure in settling pond. The one aerator within the pond was operating at the time of the inspection. Freeboard in the pond was 3.3 feet based on the freeboard staff gauge located on the effluent flow structure.

Figure No. 10: Morning Star employee collecting dissolved oxygen measurement from the settling pond. It is unclear why he was collecting in the oxygenated waters of the pump intake, rather than just in front of where the photo was taken (the brown water)

Figure No. 11: Sample of wastewater that was collected from the settling pond being poured into a sample bottle. Pouring the water into the sample jar would aerate the sample. Dissolved oxygen measurements were taken from the sample bottle using a Hatch HQ30d meter.

Figure No. 12: Hatch HQ30d dissolved oxygen meter

Figure No. 13: Looking northwest at the tomato processing operations. Steam is from the evaporators.

Figure No. 14: One of the discharge sumps located within the processing facility.

Figure No. 15: Looking south at the evaporative cooling pond. This is the location water intake to the the plant. In addition, this is the location where dissolved oxygen meter readings are taken.

Figure No. 16: Looking north the evaporative cooling pond.

Figure No. 17: Looking north at the evaporative cooling pond. This is where Land application area MS 20A and 20B were. This was an unapproved expansion of the cooling pond.

Figure No. 18: Looking northeast at the evaporative cooling pond. The freeboard in the pond was three feet based on the staff gauge.

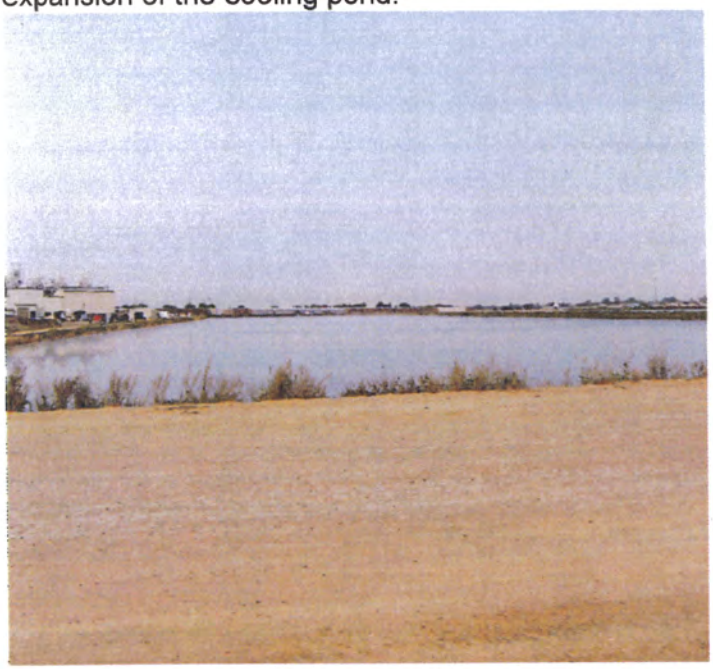

Figure No. 19: Looking west at the evaporative cooling pond. Some vegetation looking around the edges of the pond.

Figure No. 20: Looking southeast at the main ditch used to convey wastewater from the settling pond and the evaporative cooling pond. The flow metering structure is for evaporative cooling pond and for combined flows.

Figure No. 21: Looking north at the main ditch used to convey wastewater to the irrigation fields.

Figure No. 22: Irrigation ditches and check systems. The level in the ditches is controlled by the use of the plastic sheets and tarps. Some tomato solids noted in the irrigation field.

Figure No. 23: Some tomato solids noted in the irrigation ditches. This suggests that the screens are not functioning properly.

Figure No. 24: Again, Tomato solids noted in one of the checks. The field is planted in sudan grass.

Guy Childs, P.G., Engineering Geologist