

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2019-0700
FOR

THE CALIFORNIA CONCENTRATE COMPANY

SAN JOAQUIN COUNTY

This Order is issued to the California Concentrate Company (hereafter known as “Discharger”) based on provisions of California Water Code¹ section 13304 which authorizes the Regional Water Quality Control Board, Central Valley Region (hereafter known as Central Valley Water Board) to issue a Cleanup and Abatement Order (CAO).

The Executive Officer of the Central Valley Water Board finds, with respect to the Discharger’s acts, or failure to act, the following:

1. On 5 June 1998, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. 98-136 for the California Concentrate Company and the Dennis and R. Alexander Trust (hereafter referred to as “Discharger.”) The WDRs prescribe requirements for the discharge of industrial wastewater associated with the production of grape juice concentrate and barley malt extract to land owned by the Discharger.
2. This Order has been prepared to address violations of the WDRs that have resulted from the discharge of waste not consistent with, or authorized by the WDRs. This Order is necessary for the following reasons: 1) the Discharger has proposed to implement operational and physical waste handling changes to resolve on-going violations of the WDRs, and 2) the Discharger threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and create, or threaten to create, a condition of pollution or nuisance.

FACILITY AND WASTEWATER TREATMENT SYSTEM DESCRIPTION

3. The Discharger’s wastewater treatment and disposal system discharges into three unlined ponds and then onto infiltration beds adjacent to the Mokelumne River located in Section 31, T4N, R7E, MDB&M. Groundwater is encountered approximately 10 feet below the base of the unlined wastewater ponds.
4. According to the WDRs, wastewater is generated from the production of grape juice concentrate and from the production of barley malt extract. The volume and the strength of the wastewater can vary significantly based on what material the Discharger is processing.
5. Waste generated from grape juice concentrate production primarily occurs during the grape crush season (August through November) and includes; grape juice, incidental stems, seeds, skins and dust from the grapes. Additional waste is generated from cleaning the juice storage vessels and the process of concentrating the juice prior to packaging. These wastes include residual solids from the grape juice storage tanks, condensate water from juice

¹ All references are to the California Water Code unless otherwise noted.

concentration process, discharges of boiler blowdown water and diatomaceous earth from the filtering process. Waste from the production of barley malt extract typically occurs from December through July and includes process wash down water containing cleaning chemicals and residual malt extract removed from the equipment.

6. The Discharger also produces wine vinegar² at the facility. The discharge of waste associated with the wine vinegar production process to the wastewater treatment system is not authorized by the WDRs. The volume of waste associated with vinegar production has not been reported and the waste has not been characterized. Therefore, its effects on the wastewater treatment and disposal system (described below) has not been evaluated.
7. The Discharger's current wastewater treatment system, approved in the existing WDRs, consists of coarse solids removal from the grape processing area, pH adjustment of the condensate water from the juice plant, and mechanical aeration of the wastewater discharged into three unlined wastewater ponds, which have an approximate capacity of 4.6 million gallons. Treated wastewater in the ponds is discharged to infiltration beds for final disposal.
8. Storm water generated on-site is also discharged to the wastewater treatment and disposal system.

PREVIOUS FORMAL ENFORCEMENT

9. On 3 October 1996, the Executive Officer of the Central Valley Water Board issued Cleanup and Abatement Order (CAO) 96-707 to the Discharger. The CAO was issued for inappropriate disposal of waste and continuing odor problems associated with the facility. The CAO required the Discharger to characterize the facility waste and submit a plan for disposing of wastewater without causing pollution or odor. The Discharger subsequently submitted a plan and made physical and operational improvements to the wastewater treatment and disposal system. Order 96-707 will be rescinded upon the issuance of this Order.

2017/2018 INSPECTIONS AND PROGRESSIVE ENFORCEMENT

10. On 7 September 2017, the San Joaquin Valley Air District notified Board staff that they had received four separate odor complaints regarding the Discharger's facility between 26 July 2017 and 6 September 2017. Board staff contacted the Discharger who identified low pH (<6.5 standard units(s.u.)) in the primary wastewater pond as the probable cause of the odors. The cause of the low pH was reported by the Discharger to be from a failure of the pH neutralization system and the accidental discharge of precipitated acids associated with the production of grape juice into to the wastewater system. However, Board staff was unable to confirm the dates and duration of the Discharger's non-compliance because the Discharger failed to submit monthly monitoring reports as required by the WDRs and Monitoring and Reporting Program.
11. On 21 September 2017, Board staff inspected the facility. During the inspection the Discharger informed staff that the pH of the wastewater in the pond was still below the required permit limit of 6.5 s.u. specified in the WDRs. Board staff confirmed odors

² Wine Vinegar is acetic acid (CH₃COOH), which typically has a pH in the range of 2 to 2.5 standard units.

associated with wastewater near the ponds and at the Mokelumne Beach RV Park located adjacent to the wastewater treatment and disposal system. As a result, on 26 October 2017, a Notice of Violation (NOV) was issued to the Discharger for failing to comply with Discharge Specifications B.2 and B.4 and Provision E.1 of the WDRs. The NOV required the Discharger to submit a *Wastewater System Evaluation Report* and an *Odor Mitigation Plan* by **30 November 2017**. Additionally, the NOV required the Discharger to submit a plan to ensure that future monitoring reports would be submitted on time.

12. On 12 January 2018, Board staff performed a second inspection of the facility. Measurements of pH and dissolved oxygen concentrations of the wastewater ponds were taken by the Discharger and were below the limits specified in the WDRs despite the Discharger's recent efforts to raise the pH and dissolved oxygen concentration. As a result, on 24 January 2018, a second NOV was issued to the Discharger for continuing violations of the WDRs. The NOV required the Discharger to meet with Board staff on 29 January 2017 to discuss the violations and the past due *Wastewater System Evaluation Report and Odor Mitigation Plan* required by the 26 October 2017 NOV.
13. On 29 January 2017, Regional Board Staff met with the Discharger and their consultant to discuss the probable cause of the violations of the WDRs, as well as the corrective actions implemented to bring the discharge back into compliance. During the meeting the Discharger informed Board staff that the past due *Wastewater System Evaluation Report and Odor Mitigation Plan* would be submitted forthwith. The Discharger also presented a preliminary plan for off-site disposal of low pH wastewater at a permitted facility and physical modifications of the wastewater treatment system and inquired if the wastewater treatment system could be reconfigured such that influent flows would be treated in a larger pond located further from the residents at the RV Park. Board staff concurred with the preliminary plan, provided that the aeration system be evaluated to assess its effectiveness in the larger capacity pond.
14. On 20 February 2018, the Discharger submitted the past due *Wastewater System Evaluation and Odor Control Strategies Report (Report)* required by the 26 October 2018 NOV. The *Report* identified waste associated with vinegar production as a potential source of odor causing compounds. The *Report* also identified that the Biochemical Oxygen Demand (BOD) loading to the wastewater ponds may be more than twice the predicted level in the WDRs. However, the BOD loading rate has not been confirmed since the Discharger is currently not required to sample the influent wastewater for BOD. The *Report* contained the following strategies for controlling odors from the wastewater ponds:
 - The use of one or more chemicals (hydrogen peroxide, potassium permanganate, ozone, sodium hydroxide and calcium hydroxide) as needed for additional pH control.
 - Increased concentrations of dissolved oxygen in the wastewater ponds.
 - Use of chemical odor masking agents as necessary.
 - Segregation of industrial waste associated with vinegar production for off-site disposal until pretreatment can be provided and the waste disposed of into the wastewater treatment ponds.

- Modification of the wastewater pond configuration to reverse the wastewater flow and have primary treatment occur in the eastern most pond located approximately 170 feet further from the Mokelumne Beach RV Park.
 - Design and implement aeration improvements to the ponds and assess the results.
15. On 22 February 2018, Board staff performed a third inspection of the facility. Staff observed that the Discharger had manufactured and installed a new wastewater sump and conveyance line to convey wastewater to the eastern most pond for primary treatment. Board staff informed the Discharger that the existing flow meter location was not adequate to account for both flows of wastewater and storm water into the treatment ponds. Therefore, the flow meter would need to be re-located, or an additional flow meter would be necessary. The new treatment pond is nearly twice the size of the former primary treatment pond. Low pH wastewater that was previously contained in the primary treatment pond had been hauled off-site for disposal.
 16. On 28 February 2018, Board staff participated in a meeting with the owner of the Mokelumne Beach RV Park, residents of the park and the San Joaquin Valley Air District. During the meeting, Air District staff informed Board staff that the Air District had received 56 odor complaints associated with the Discharger’s facility during 2017. Following the meeting Board staff inspected the Discharger’s facility and observed the active vinegar production process. Board staff observed staining surrounding the floor drains associated with vinegar production. WDRs Order 98-136 does not authorize the discharge of waste associated with vinegar production. Therefore, the Discharger violated the WDRs. Board staff also observed that the Discharger’s progress in reconfiguration of the wastewater ponds. The Discharger was adding sodium hydroxide³ to the wastewater pond in an attempt to raise the pH. The Discharger notified Board staff that the dissolved oxygen meter was not functioning. As a result, on 13 March 2018, a Continuing Notice of Violation was issued to the Discharger.
 17. The pH limits in the WDRs for the unlined wastewater ponds are 6.5 to 8.5 s.u.. Based on a review of the Discharger’s monthly monitoring reports for 2017, pH concentrations in the wastewater ponds have consistently been below the WDR limit of 6.5 s.u. since July 2017 as seen Table 1 below:

Table 1: Reported pH Range for Wastewater

Month	Reported pH range for Wastewater Pond No. 1	Reported pH range for Wastewater Pond No. 2
January 2017	6.2 - 6.5	6.5 - 6.6
February 2017	6.6 - 6.7	6.6 - 6.6
March 2017	6.6 - 6.7	6.6 - 6.7
April 2017	6.5 - 6.6	6.6 - 6.7
May 2017	6.5 - 6.7	6.6 - 6.7
June 2017	6.5 - 6.7	6.5 - 6.6
July 2017	6.4 - 6.5	6.6 - 6.7
August 2017	5.6 - 6.5	6.4 - 7.0
September 2017	4.6 - 5.6	6.4 - 7.0

³ Sodium Hydroxide (NaOH) is a caustic solution used for neutralizing low pH or acidic solutions.

Month	Reported pH range for Wastewater Pond No. 1	Reported pH range for Wastewater Pond No. 2
October 2017	5.0 - 5.4	6.3 - 6.5
November 2017	4.4 - 5.5	5.1 - 6.4
December 2017	4.4 - 4.6	4.6 - 4.9
January 2018	4.7 - 4.9	5.2 - 5.7
February 2018	4.9 - 5.8	5.7 - 7.2
March 2018	5.9 - 7.0	7.2 - 7.2

pH ranges based on weekly measurements made by the Discharger and reported in the monthly monitoring reports. Bolded concentrations are below the prescribed limit in the WDRs.

18. Because the condition of pH below 6.5 s.u. may mobilize metals within soil and impact water quality, the WDRs require the Discharger to collect and analyze groundwater samples in monitoring wells located around the wastewater ponds and percolation/evaporation beds. Table 2 below shows the Discharger's reported pH values for groundwater as measured during quarterly monitoring events during the last three years. Monitoring well MW-3 is located upgradient of the wastewater ponds. Monitoring wells MW-4 and MW-5, are located adjacent to and down gradient of the wastewater ponds. Because the Discharger has reported lower pH values from the monitoring wells located adjacent to the wastewater ponds and because the condition of pH below 6.5 s.u. may mobilize metals within soil and impact water quality, this Order requires the Discharger to conduct a groundwater study to determine if the discharge and treatment of wastewater in the ponds has caused pollution or the potential to cause pollution (defined in Finding 29 below) of the groundwater beneath the facility.

Table 2: Reported Groundwater pH.

Sample Date	MW-3 (upgradient)	MW-4 (downgradient)	MW-5 (downgradient)
5 January 2015	6.5	6.2	6.3
3 April 2015	6.5	6.3	6.3
7 July 2015	6.4	6.1	6.1
9 October 2015	5.7	6.1	4.8
26 January 2016	7.6	6.4	6.5
8 April 2016	6.8	6.5	6.4
7 July 2016	6.5	6.2	5.6
9 October 2016	7.1	7.1	7.3
26 January 2017	6.6	6.3	6.4
3 April 2017	6.2	6.7	6.6
21 July 2017	6.5	6.3	6.1
6 October 2017	6.5	6.2	5.9
5 January 2018	6.5	6.2	5.9
2 April 2018	5.6	6.1	5.8
23 July 2018	6.9	6.4	6.4

19. On 13 March 2018, the Discharger reported that the modifications necessary to reverse the wastewater flow direction through the ponds had been completed and that the pH and dissolved oxygen concentrations within the wastewater ponds were back in compliance with the WDRs. Because the Discharger's new primary wastewater treatment pond is

approximately twice the size of the former treatment pond, and because the Discharger is utilizing the pre-existing aeration system, this Order requires the Discharger to evaluate the use of the pre-existing aeration system in the new larger wastewater pond to determine if it is sufficiently sized to maintain the dissolved oxygen concentration in compliance with the WDRs. Additional aerators may be necessary to maintain compliance with the WDRs.

2018 FACILITY OPERATION

20. On 11 September 2018, Board staff received another odor complaint. Board staff contacted the Discharger who reported that the dissolved oxygen concentrations in the wastewater ponds were above 1.0 mg/l as required by the WDRs. However, the pH of the primary wastewater treatment pond was 4.8 s.u., below the 6.5 s.u. required by the WDRs. The Discharger reported that approximately 110 gallons of sodium hydroxide⁴ was added into the treatment pond in an attempt to raise the pH, however, the pH of the pond remained at 4.8 standard units.
21. On 20 September 2018, the Discharger notified staff that despite adding an approximate total of 200 gallons of sodium hydroxide to the treatment pond the pH remained below 6.5 standard units.
22. On 2 October 2018, Board staff issued a Notice of Violation to the Discharger for failing to comply with the Discharge Specifications in the WDRs. The NOV required the Discharger to (a), either correct the pH and dissolved oxygen concentration of wastewater in the ponds by 23 October 2018, or (b) cease the discharge to the ponds and off-haul waste to a permitted disposal facility until conditions in the ponds were in compliance with the WDRs.
23. On 23 October 2018, the Discharger reported that the ponds were back within the permitted range for pH and dissolved oxygen. The Discharger reported that sodium hypochlorite⁵ was being added to the pond to inhibit bacteria and increase the dissolved oxygen concentration. Board staff requested a full description of the corrective actions to be included with the October Monthly Monitoring Report due on **1 December 2018**.
24. On 31 October 2018, the Discharger submitted September 2018 Monthly Monitoring Report. Based on the report, the Discharger began processing grapes on 3 September 2018. The Discharger reported the pH of wastewater in Pond1 to be 5.7 s.u. on 3 September 2018. By 10 September 2018, the pH in Pond 1 dropped to 4.8 s.u..
25. On 30 November 2018, Board staff was notified by residents at the Mokelumne Beach RV Park that odors from California Concentrate persisted. Between 11 September 2018 and 30 November 2018, residents near the facility documented and reported odors on 67 of the 81 days.

⁴ Sodium Hydroxide chemical formula NaOH

⁵ Sodium hypochlorite is NaOCL

26. As of 27 December 2018, the Discharger has not submitted the October 2018 Monthly Monitoring Report containing a description of the corrective actions implemented to bring the Discharge into compliance with the WDRs.

VIOLATIONS OF THE WDRS

27. Regarding the discharge of waste associated with the production of wine vinegar to the wastewater treatment and disposal system, General Provision A. 4 of Standard Provisions and Reporting Requirements for Waste Discharge Requirements dated 1 March 1991 states, *"Before Making a material change in the character, location, or volume of discharge, the Discharger shall file a new Report of Waste Discharge with the Regional Board."* Therefore, this Order requires the Discharger to cease the discharge of waste associated with vinegar production.
28. Regarding the failure of the pH neutralization system and the dissolved oxygen meter as described above, General Provision A.7 of Standard Provisions and Reporting Requirements for Waste Discharge Requirements dated 1 March 1991 states, *"The Discharger shall maintain in good working order and operate as efficiently as possible any facility, control system, or monitoring device installed to achieve compliance with the waste discharge requirements."* Therefore, this Order requires the Discharger to submit and implement an Operation and Maintenance Plan to properly maintain all components of their wastewater treatment, disposal and monitoring systems.
29. Regarding the confirmation of odors associated with the wastewater treatment and disposal system, Discharge Specification B.2 of the WDRs states, *"Objectionable odors originating at this facility shall not be perceivable beyond the limits of the property owned by the Discharger."* Therefore, this Order requires the Discharger to monitor the perimeter of their facility daily to verify compliance with the WDRs and mitigate odors if they occur.
30. Regarding the dissolved oxygen concentration measured in the wastewater pond during staff's 12 January 2018 inspection, Discharge Specification B.3 of the WDRs states, *"As a means of discerning compliance with Discharge Specification No.2, the dissolved oxygen content in the upper zone (1 foot) of wastewater in all ponds shall not be less than 1.0 mg/l."* Therefore, this Order requires the Discharger to monitor the dissolved oxygen concentration in the wastewater ponds to verify compliance with the WDRs and provide additional aeration if necessary.
31. Regarding the pH concentration violations reported by the Discharger on multiple dates in 2017 and 2018, *Discharge Specification B.4 of the WDRs states, "Ponds shall not have a pH less than 6.5 or greater than 8.5."* Therefore, this Order requires the Discharger to monitor the pH of the ponds and verify compliance with the WDRs. Additionally, this Order requires the Discharger to report all chemicals used to raise the pH of the ponds and evaluate if the chemicals or their biproducts have impacted water quality.

PROPOSED FACILITY WASTE HANDLING CHANGES

32. Based on the 20 February 2018, *Wastewater System Evaluation and Odor Control Strategies Report* submitted by the Discharger, the Discharger has chosen to implement the following physical and operational changes:
- The use of one or more chemicals (hydrogen peroxide, potassium permanganate, ozone, sodium hydroxide and calcium hydroxide) as needed for additional pH control.
 - Increased concentrations of dissolved oxygen in the wastewater ponds
 - Use of odor masking agents as necessary.
 - Segregation of industrial waste associated with vinegar production for off-site disposal until pretreatment can be provided and the waste disposed of into the wastewater treatment ponds.
 - Modification of the wastewater pond configuration to reverse the wastewater flow and have primary treatment occur in the eastern most pond.
 - Design and implement aeration improvements to the ponds and assess the results.
33. Because the Discharger has been and plans to continue to discharge waste not described in the WDRs, and has chosen to implement physical, chemical and operational changes that are not described in, or authorized by the current WDRs, and because the Discharger has not fully documented or provided documentation of the physical changes made or chemicals introduced into the wastewater treatment system during 2018 during which time compliance with the WDRs was not sustained, this Order is necessary to allow the Discharger time to study/characterize all waste generated at the facility and implement additional facility processing and operational changes to bring the discharge into compliance with the WDRs. Additionally, because of the seasonality of the processing operations and variation in wastewater flow volume and strength, this Order is necessary to ensure that the Discharger monitors and studies the effectiveness of the facility changes throughout the 2019 processing season and submit monitoring and technical reports documenting their results to the Board.

LIMITATIONS OF CURRENT MONITORING AND REPORTING PROGRAM

34. Monitoring and Reporting Program (MRP) 98-136 does not require water quality monitoring of influent flows into the unlined aeration ponds. MRP 98-136 requires the Discharger to collect a single monthly effluent sample prior to discharging into the percolation beds. However, loading rates for biochemical oxygen demand, total dissolved solids, sulfate and nitrate are not required to be calculated for the percolation beds. Therefore, this Order requires the discharger to conduct water quality monitoring of influent flows to characterize the waste, determine the efficiency of the aeration ponds, and calculate organic and salinity loading rates for the land application area.
35. As described in Findings 19 through 22, the Discharger has added various chemicals into the wastewater collection and treatment system in an attempt to bring the discharge into compliance. The current MRP does not specify monitoring requirements for the chemical or

their breakdown biproducts. Therefore, this Order requires the Discharger to conduct additional monitoring and sampling when chemicals are added to the ponds.

REGULATORY CONSIDERATIONS

36. As a result of the events and activities described in this Order, the Central Valley Water Board finds that the Discharger threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance.
37. Surface water drainage from the Discharger's wastewater treatment and disposal facility is to the Mokelumne River.
38. The Board's Water Quality Control Plan (Fourth Edition) for the Sacramento River and San Joaquin River Basins (Basin Plan) establishes the beneficial uses of the waters of the state and water quality objectives to protect those uses. The beneficial uses of the Mokelumne River are irrigation and stock watering; contact and noncontact recreation; warm and cold freshwater habitat; warm and cold water migration; warm and cold spawning; wildlife habitat.
39. Water Code section 13304, subdivision (a) states, in relevant part:

Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

40. Water Code section 13050, subdivision (l):

(1) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:

(A) The waters for beneficial uses.

(B) Facilities which serve these beneficial uses.

(2) "Pollution" may include "contamination."

41. Water Code section 13050, subdivision (m) defines "Nuisance" to mean anything which meets the following requirements:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(3) Occurs during, or as a result of, the treatment or disposal of wastes.

42. Water Code Section 13260, subdivision (A.1) requires that any person discharging waste or proposing to discharge waste within a region that could affect waters of the state, other than into a community sewer system must first file a Report of Waste Discharge (RWD) and obtain either Waste Discharge Requirements (WDRs) or a waiver of WDRs from the Regional Board before beginning such a discharge.

43. Water Code Section 13260, subdivision (c), states, *each person subject to subdivision (a) shall file with the appropriate regional board a report of waste discharge relative to any material change or proposed change in character, location, or volume of the discharge.*

44. Water Code section 13267, subdivision (b) states, in relevant part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.

45. General Provision A.10, of Standard Provisions and Reporting Requirements for Waste Discharge Requirements states, *"The fact that it would be 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 violation of the Order."*

46. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

IT IS HEREBY ORDERED that, pursuant to Sections 13304, 13260 and 13267 of the California Water Code, the California Concentrate Company shall take the necessary remedial actions to prevent the discharge of wastewater that causes or threatens to cause a condition of pollution and nuisance, in accordance with the following schedule. Cleanup and Abatement Order 97-076 is rescinded except for the purpose of enforcement.

In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. Compliance with this Order shall include, but not be limited to, the following measures:

1. **Effective on the date this Order is signed**, the Discharger shall comply with Discharge Specifications B.2, B.3 and B. 4 of WDRs Order 98-136 (below). Compliance with the Discharge Specifications shall be determined by daily monitoring of the facilities perimeter for odors associated with waste disposal and daily monitoring of all three wastewater ponds for pH and dissolved oxygen. A copy of the inspection log and monitoring results shall be kept by the Discharger and made available to Board staff within 48 hours of staff's request.
 - a. Discharge Specification B.2 of the WDRs states, "*Objectionable odors originating at this facility shall not be perceivable beyond the limits of the property owned by the Discharger.*"
 - b. Discharge Specification B.3 of the WDRs states, "*As a means of discerning compliance with Discharge Specification No.2, the dissolved oxygen content in the upper zone (1 foot) of wastewater in all ponds shall not be less than 1.0 mg/l.*"
 - c. Discharge Specification B.4 of the WDRs states, "*Ponds shall not have a pH less than 6.5 or greater than 8.5.*"
2. Beginning **1 April 2019**, and continuing until Revised Waste Discharge Requirements are issued for the facility, California Concentrates shall implement monthly influent wastewater monitoring for biochemical oxygen demand, sulfate, nitrate as nitrogen, total kjeldahl nitrogen, total dissolved solids and volatile dissolved solids. The Discharger shall also calculate the loading rate to the percolation beds for each constituent listed in the "Effluent Monitoring" section of MRP 98-136. All monitoring results and calculations shall be included in the monthly monitoring report during which the monitoring occurred. (i.e. the April monitoring report is due by **1 June**).
3. By **1 June 2019**, submit a report certifying that all discharges of waste associated with vinegar production are no longer discharging into the wastewater ponds or septic system. The report shall include an updated wastewater and stormwater process flow diagram for the complete processing facility and the treatment and disposal system. All flow monitoring devices and control valves shall be identified on the facility diagram. The report shall also state how the waste from vinegar production will be managed and the name of the permitted disposal facility accepting the vinegar production wastewater for disposal. Copies of waste hauling manifests and any characterization data generated for disposal purposes shall be included in the Monthly Monitoring Reports.
4. By **1 July 2019**, submit a *Compliance Plan* to be implemented immediately if pH or dissolved oxygen concentrations in the wastewater ponds violate the limits in the WDRs or if nuisance odors are detected in the vicinity of the wastewater ponds. The plan shall:
 - Describe the quantity and dosing rates for all chemicals that may be added to the wastewater system to bring the discharge back into compliance in a timely manner. The Plan shall also include a discussion of any potential impacts to water quality from the addition of chemicals to the ponds as well as recommendations to monitor the ponds and mitigate groundwater impacts.
 - Propose a method to cease the discharge into the wastewater ponds until wastewater in the ponds is in compliance with the WDRs. The method may include tanking and hauling

of all generated waste to a permitted disposal facility or the use of temporary on-site storage in above ground tanks.

- Propose a disposal plan for the wastewater stored in the wastewater ponds that does not comply with the limits in the WDRs.
5. By **1 August 2019**, submit a *Groundwater Evaluation Workplan* to determine if the discharge wastewater to the treatment ponds has caused groundwater to be degraded with respect to arsenic, boron, chloride, electrical conductivity, iron, manganese, sodium, sulfate, total dissolved solids and pH.
 6. By **1 March 2020**, submit a pond modification and aeration system improvement report that certifies that the pond improvements have been completed, both wastewater flows and stormwater flows into the ponds are being continuously metered, and that the aeration system in all three ponds is sized adequately to maintain compliance with the WDRs.
 7. By **1 April 2020**, submit a Revised Operation and Maintenance Plan for the entire wastewater/storm water conveyance, treatment and disposal system. At a minimum, the Plan shall describe each component of the system (solids segregation and disposal, wastewater collection, conveyance, chemical pre-treatment, flow monitoring, wastewater pond operation, aeration system and disposal area) and provide a description of the required maintenance and inspection frequency to ensure that the collection, treatment and disposal systems are operated such that compliance with Order 98-136 is maintained.
 8. By **1 May 2020**, submit a Report of Waste Discharge (RWD) that contains the information in the enclosed *Technical Information for a Report of Waste Discharge*, a *Food Processing Waste Loading Technical Report* that calculates the organic (BOD, TDS) loading rate and pH ranges which the facility's wastewater treatment and disposal system is capable of treating in a manner that protects water quality and prevents nuisance odors. The Report of Waste Discharge shall also contain the Groundwater Evaluation Results obtained from Requirement 6 above.

The Discharger shall obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order. The Discharger shall continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished to fully comply with this Order and this Order has been rescinded.

In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

Each report submitted to the Central Valley Water Board shall be included in the Discharger's Operating Record. Furthermore, any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

If the Discharger fails to comply with the provisions of this Order, the Central Valley Water Board may refer this matter to the Attorney General for judicial enforcement or the Assistant Executive Officer may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability up to \$10,000 per violation per day, pursuant to the Water Code sections 13260, 13261, 13268, 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

This Order is effective upon the date of signature.

-Original Signed By-

PATRICK PULUPA, Executive Officer

20 February 2019
(Date)

Enclosure: Technical Information for a Report of Waste Discharge