

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2017-0040

RESCISSION OF CEASE AND DESIST ORDER R5-2016-0007

FOR
MORNING STAR PACKING COMPANY, L.P.
AND FRED GOBEL
THE MORNING STAR TOMATO PACKING PLANT
COLUSA COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as "Central Valley Water Board") finds that:

1. On 18 February 2016, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2016-0007 for the Morning Star Packing Company and Fred Gobel (collectively referred to as "Discharger").
2. The CDO was adopted to address ten categories of alleged or threatened violations of the WDRs Order R5-2013-0144:
 - Unpermitted expansion of the Cooling Pond and removal of 90.5 acres of land application area
 - Unauthorized discharge of organic waste to the Cooling Pond (the Prosecution Team and the Discharger disagree as to whether the discharge of organics to the Cooling Pond is permitted by the 2013 WDRs)
 - Odor violations
 - Dissolved oxygen violations
 - Unpermitted expansion of the Settling Pond
 - Effluent and mass loading limit violations
 - Groundwater pollution
 - Solid waste management violations
 - Storm water violations
3. The CDO required numerous actions by the Discharger, culminating in the submittal of a Report of Waste Discharge by 1 October 2018.
4. Since adoption of the CDO, the Board's Permitting Unit has begun working with the Discharger to update the WDRs sooner. Therefore, it is appropriate to rescind the CDO.
5. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to rescind CDO R5-2016-0007 and has provided them with an opportunity for a public hearing and an opportunity for them to submit their written views and recommendations.

6. Cease and Desist Orders are issued by the Central Valley Water Board to enforce underlying permit obligations. The issuance and rescission of this CDO is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321(a)(2).
7. The Central Valley Water Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.

IT IS HEREBY ORDERED that Cease and Desist Order R5-2016-0007 is rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 7 April 2017.

Original signed by

PAMELA C. CREEDON, Executive Officer