



Central Valley Regional Water Quality Control Board

21 June 2018

Will Feliz, Chief Executive Officer
Wawona Packing Company
12133 Avenue 408
Cutler, CA 93615

CERTIFIED MAIL
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NOTICE OF APPLICABILITY (NOA); LIMITED THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01 (NPDES NO. CAG995002); WAWONA PACKING COMPANY, LLC; WAWONA PACKING FACILITY; TULARE COUNTY

On 6 March 2018, the Wawona Packing Company, LLC (Discharger) provided a signed application for coverage under General Order R5-2016-0076-01 for Limited Threat Discharges to Surface Water (Limited Threat General Order) for discharge of de-icing water at the Wawona Packing Facility (Facility) in Tulare County. The Facility was previously covered under General Order R5-2013-0074 for Dewatering and Other Low Threat Discharges to Surface Water (Low Threat General Order), which expired 1 May 2018. The Limited Threat General Order, in part, replaces the Low Threat General Order. Central Valley Water Board staff has determined that the Facility discharge as described below, meets the required conditions for coverage under the Limited Threat General Order, as Tier 1A discharger. Beginning 21 June 2018, this NOA will become effective and the Facility will be assigned Limited Threat General Order R5-2016-0076-044. Please reference your Limited Threat General Order number, **R5-2016-0076-044**, in your correspondences and submitted documents.

The enclosed Limited Threat General Order may also be viewed at the following web address:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

A copy of this NOA can be viewed at the following web address:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01/

You are urged to familiarize yourself with the contents of the entire Limited Threat General Order and this NOA. The Limited Threat General Order prescribes mandatory discharge monitoring and reporting requirements. The Facility activities shall be operated in accordance with the requirements contained in this NOA and the Limited Threat General Order.

PROJECT DESCRIPTION

The Facility is located at 12133 Avenue 408 in Tulare County. Fruit processing areas include bin rooms for fruit washing, pre-cooling, and separation of blemished fruit; stem and leaf removal lines; a culled fruit hopper; conditioning room for ripening fruit; cold storage rooms; and loading and unloading areas. Fruit packing activities occur during two intervals each year. From approximately May 1 to October 15, stone fruit, such as peaches, plums, apricots, and nectarines, are packed. From approximately October 15 to April 15, citrus fruit, including oranges and tangerines, are packed.

Cold storage operations occur only during the dry weather stone fruit packing season. The defrost water from the cold storage rooms and storm water is conveyed to Lift Station #4, near the southeast corner of the main building. Under the previous Low Threat General Order, defrost water and/or storm water was sent to Pond #3, a storm water collection pond. From Pond #3, defrost water and/or storm water were discharged to Sand Creek. The Discharger's application states that the Facility now has ability to discharge directly to Sand Creek without entering Pond #3. According to the Discharger, Pond #3 will eventually be moved to a new location, and the current land on which Pond #3 is located will be converted to a parking lot. The Discharger may utilize both direct discharge to Sand Creek and discharge to Sand Creek via Pond #3. Alternatively, the Facility has the ability to divert defrost water and/or storm water to the on-site holding ponds (Ponds #1 and #2), which do not discharge to Sand Creek and are not authorized by this NOA to discharge to Sand Creek. Discharge of wastewater in Ponds #1 and #2 is regulated separately under Waste Discharge Requirements Order R5-2012-0042.

The outfall from the Facility to Sand Creek is at latitude and longitude of 36°31'38" north and 119°18'2" west (same discharge point permitted previously under the Low Threat General Order). Sand Creek is a tributary to Cross Creek via Cottonwood Creek within the Tulare-Buena Vista Lakes Watershed. The Discharger's application states that a maximum flowrate of 0.2 million gallons per day (mgd) and an average flowrate of 0.02 mgd are expected.

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents and other constituents of concern are found in Attachment I of the Limited Threat General Order. Attachment I lists the most stringent objective/criteria (i.e., screening level) for receiving waters with and without the municipal and domestic (MUN) beneficial use.

The Central Valley Water Board's *Water Quality Control Plan for the Tulare Lake Basin, Second Edition (Revised July 2016)* (hereinafter Basin Plan) does not specifically identify beneficial uses for Sand Creek, but does identify present and potential beneficial uses for Valley Floor Waters. Sand Creek is a Valley Floor Water. The Basin Plan does not designate the MUN as a beneficial use for Valley Floor Waters. Therefore, screening levels based on "No Mun" are applicable to the Facility's discharge. Central Valley Water Board staff compared the representative data reported for the Facility to the applicable screening levels listed in Attachment I of the Limited Threat General Order. Review of the representative water quality data for the Facility showed that there were no constituents detected in the effluent above the applicable screening levels listed in Attachment I of the Limited Threat General Order. However, total chlorine residual is a constituent of concern at the Facility; therefore, Water

Quality-Based Effluent Limitations for total residual chlorine have been retained in this NOA. Technology-Based Effluent Limitations for total suspended solids and settleable solids have also been retained in this NOA.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V, Effluent Limitations, of the Limited Threat General Order. The following effluent limitations are applicable to discharge to Sand Creek (Discharge Point 001) and are contained in Section V.A and V.B of the Limited Threat General Order:

Table 1. Effluent Limitations

Parameter	Units	Effluent Limitations		Section Reference
		Average Monthly	Maximum Daily	
Total Suspended Solids	mg/L	10	20	V.B.1.a
Settleable Solids	mL/L	--	0.1	V.B.1.a
Total Residual Chlorine	mg/L	0.01	0.02	V.A.1.e

- 1. Flow (Section V.A.1.a).** The maximum daily discharge flow shall not exceed 0.2 million gallons per day.
- 2. pH (Section V.A.1.b.iii).** The pH of all discharges within the Tulare Lake Basin shall at all times be within the range of 6.5 to 8.3.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Receiving Water Limitations are based on water quality objectives contained in the Basin Plan for the Tulare Lake Basin and are a required part of the Limited Threat General Order. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Un-ionized ammonia (VIII.A.1);
- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.a.i, ii, and iii);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.c);
- Pesticides (VIII.A.10.a and b);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.b).

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the influent, effluent, and the receiving water at the specified locations as follows:

Table 2. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the discharge can be collected immediately prior to discharging to Discharge Point 001. When discharging via Pond #3, this location must be representative of discharge after Pond #3.
–	RSW-001U	Sand Creek, approximately 200 feet upstream of Discharge Point 001, or the first accessible sampling point upstream of this location.
–	RSW-001D	Sand Creek, approximately 50 feet downstream of Discharge Point 001, or the first accessible sampling point downstream of this location.

Effluent Monitoring – When discharging to Sand Creek, the Discharger shall monitor the effluent at Monitoring Location EFF-001 as follows:

Table 3. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Discharge Flow Rate, Total	GPD	Meter	Continuous	--
pH	standard units	Grab	1/Month	1,2,3
Temperature	°F	Grab	1/Month	1,2
Chlorine, Total Residual	mg/L	Grab	1/Quarter	1,2,3,4
Electrical Conductivity @ 25°C	µmhos/cm	Grab	1/Quarter	1,2
Total Suspended Solids	mg/L	Grab	1/Quarter	1
Settleable Solids	mL/L	Grab	1/Quarter	1

- ¹ Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- ² A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained by the Discharger.
- ³ pH samples and total chlorine residual samples must be analyzed within 15 minutes of sample collection, in accordance with 40 CFR Part 136.
- ⁴ Total residual chlorine must be monitored with a method sensitive to and accurate at a reporting level (RL) of 0.08 mg/L.

Section II.B.2 of the Limitations and Discharge Requirements section of the Limited Threat General Order requires that dischargers submit new analytical results every 5 years for pollutants specified in Table I-1 of Attachment I. The Facility is considered a Tier 1A discharge. Therefore, the Discharger shall conduct one sampling event by **5 April 2023** and submit the results in the corresponding quarterly report for the following constituents shown in Table 4, below:

Table 4. Effluent Characterization Monitoring

Parameter ¹	Units	Sample Type	Required Analytical Test Method
Biochemical Oxygen Demand	mg/L	Grab	2
Total Suspended Solids	mg/L	Grab	2
Dissolved Oxygen	mg/L	Grab	2,3
Hardness	mg/L	Grab	2
pH	standard units	Grab	2,3
Temperature	°F	Grab	2,3
Electrical Conductivity @ 25°C	µmhos/cm	Grab	2,3
Total Dissolved Solids	mg/L	Grab	2
Un-ionized Ammonia Nitrogen, Total (as N)	mg/L	Grab	2
Chlorine, Total Residual	mg/L	Grab	2,3
CTR Priority Pollutants ⁴	µg/L	Grab	2

- ¹ The Discharger is not required to conduct effluent monitoring for constituents that have already been sampled in a given month, as required in Table 3, except for hardness, pH, and temperature, which shall be conducted concurrently with the effluent sampling.
- ² Pollutants shall be analyzed using the analytical methods described in 40 CFR part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- ³ A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
- ⁴ See Attachment I, Table I-3 of the Limited Threat General Order.

Receiving Water Monitoring – If the discharge comprises the entire flow in the receiving water or if there is no discharge, receiving water monitoring is not required. The Discharger shall monitor the receiving water at RSW-001U and RSW-001D as follows:

Table 5. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
pH	standard units	Grab	1/Quarter	1,2
Temperature	°F	Grab	1/Quarter	1,2
Dissolved Oxygen	mg/L	Grab	1/Quarter	1,2
Turbidity	NTU	Grab	1/Quarter	1,2
Electrical Conductivity @ 25°C	µmhos/cm	Grab	1/Quarter	1,2
Hardness, Total (as CaCO ₃)	mg/L	Grab	1/Year ³	2

- ¹ A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
- ² Pollutants shall be analyzed using the analytical methods described in 40 CFR part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- ³ Monitoring is only required at Monitoring Location RSW-001U.

In conducting receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001U and RSW-001D. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter;
- b. Discoloration;
- c. Bottom deposits;
- d. Aquatic Life;
- e. Visible films, sheens, or coatings;
- f. Fungi, slimes, or objectionable growths; and
- g. Potential nuisance conditions.

Notes on receiving water conditions shall be summarized in the monitoring reports.

Self-Monitoring Report Submittals – Monitoring in accordance with the Limited Threat General Order shall begin on the 21 June 2018. Self-monitoring reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2018**. This report shall be submitted by **1 August 2018**. If no discharge occurs during the quarter, the monitoring report must be submitted stating that there has been no discharge. Table 6, below, summarizes the monitoring report due dates required under the Limited Threat General Order. Quarterly monitoring reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 6. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Date
Continuous 1/Month 1/Quarter 1/Year	NOA Effective Date	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of the following year (1 Oct – 31 Dec)

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of noncompliance.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E of the Limited Threat General Order). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. In addition, late monitoring reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly report monitoring period, the Discharger must still submit a quarterly monitoring report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

The Central Valley Regional Water Quality Control Board has transitioned to a paperless office system, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to CentralValleyFresno@waterboards.ca.gov. Please include the following information in the body of the email: Discharger’s name, Facility name, County name, CIWQS Place ID 643252, and the Order number R5-2016-0076-044. Documents that are 50 megabytes or larger shall be transferred to a CD, DVD, or flash drive and mailed to our office at 1685 “E” Street, Fresno, California 93706.

All documents, including self-monitoring reports and written notifications, submitted to comply with this NOA and the Limited Threat General Order shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention Warren Gross. Mr. Gross can be reached at (559) 445-5128 or at Warren.Gross@waterboards.ca.gov.

Questions regarding the permitting aspects of the Limited Threat General Order, and notification for termination of coverage under the Limited Threat General Order, shall be directed, via the paperless office system, to the NPDES Permitting Unit, attention Nicolette Dentoni. Ms. Dentoni can also be reached at (559) 444-2505 or at Nicolette.Dentoni@waterboards.ca.gov.

Will Feliz, Chief Executive Officer
Wawona Packing Company, LLC
Wawona Packing Facility
R5-2016-0076-044

21 June 2018

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, 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 Resources Control 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.



Patrick Pulupa
Executive Officer

Attachments: Attachment A, Project Map

Enclosures: Limited Threat General Order R5-2016-0076-01

cc: David Smith, U.S. EPA, Region IX, San Francisco (via email)
Division of Water Quality, State Water Board, Sacramento (via email)
Jason Sherrell, Central Cal Waterworks, Inc., Fresno (via email)
Brent Smittcamp, Wawona Packing Company, Cutler (via email)

