

**Regional Water Quality Control Board  
Central Valley Region  
Board Meeting – 29 January 2010**

**Response to Written Comments for Hilmar Cheese Company and Reuse Area Owners,  
Hilmar Cheese Processing Plant  
Merced County  
Tentative Waste Discharge Requirements**

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At a public hearing scheduled for 29 January 2010, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider adoption of Waste Discharge Requirements and a Time Schedule Order for the discharge of industrial wastewater from Hilmar Cheese Company's (Hilmar Cheese) Cheese Processing Plant to nearby reuse areas owned by others (Reuse Area Owners). This document contains responses to written comments received from interested parties regarding the Tentative Waste Discharge Requirements (TWDRs), Monitoring and Reporting Program (MRP), and draft Time Schedule Order (TSO) circulated on 8 December 2009. Written comments from interested parties were required by public notice to be received by the Central Valley Water Board by 11 January 2010 to receive full consideration. Written comments were received from.

1. California Sportfishing Protection Alliance (CSPA)
2. Hilmar Cheese Company
3. Ms. Jo Anne Kipps

The written comments are summarized below, followed by Central Valley Water Board staff responses.

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**CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (CSPA)**

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**CSPA – COMMENT 1:** The proposed Waste Discharge Requirements (WDRs), according to the cover letter, have not been sent to all the responsible parties.

**RESPONSE:** All responsible parties (i.e., Hilmar Cheese and owners of land that will receive wastewater from the Cheese Processing Plant) were sent copies of the TWDRs. The responsible parties were listed on an attachment to the cover letter transmitting the TWDRs, apart from the cc: list.

**CSPA – COMMENT 2:** The proposed WDRs do not comply with California Code of Regulations (CCR) Title 27, as the discharge is not in compliance with the applicable water quality control plan (Basin Plan).

**RESPONSE:** The effluent limit for electrical conductivity (EC) is less than the recommended secondary Maximum Contaminant Level (MCL) for salinity to protect the MUN beneficial use. The effluent limit for total nitrogen of 20 mg/L will ensure that groundwater nitrate levels meet the applicable MCL (10 mg/L) because: 1) Hilmar Cheese's effluent storage ponds are lined to minimize seepage; 2) effluent is used for crop irrigation, which consumes nitrogen by plant uptake; and 3) a small portion of the nitrogen compounds in the effluent will be broken down in the storage ponds and soil profile. The Discharger has demonstrated that, although currently lacking the capacity to

treat all of its wastewater, it has the technical ability to treat all Plant wastewater to the limits specified in the WDRs for EC, TDS, BOD, chloride, and total nitrogen with its treatment process for a portion of its discharge flow; but lacks sufficient treatment equipment to treat the entire volume of wastewater it is currently generating.

Groundwater modeling indicates that water quality in the area of the Secondary Lands will have a TDS concentration of about 700 mg/L, with or without the discharge from Hilmar Cheese (that is, the discharge will have no impact on background TDS concentrations).

As discussed in Response to CSPA Comment 3, the discharge will also satisfy the Antidegradation Policy. All discharges described in the TWDRs are therefore exempt under title 27, section 20090, subdivision (b).

**CSPA – COMMENT 3:** The proposed WDRs do not comply with the requirements of the State Water Board’s Antidegradation Policy (Resolution 68-16).

**RESPONSE:** The TWDRs do comply with the Antidegradation Policy. The TWDRs require Hilmar Cheese to comply with effluent limits, including for EC and nitrogen. The limit for EC of 900 umhos/cm is roughly equivalent to the Cheese Processing Plant’s source water and reflects Best Practicable Treatment. Meeting these limits, coupled with Best Practicable Control measures of using the effluent for irrigation under a nutrient management plan, will limit any degradation to groundwater and ensure that the discharger does not cause or contribute to any exceedance of applicable groundwater quality objectives.

Discharges to the storage ponds are not expected to degrade groundwater. The ponds are lined and will only allow limited discharges to groundwater, and the TWDRs require Hilmar Cheese to meet Effluent Limitations that will prevent degradation by any effluent that does discharge from the ponds. (See, Findings 14-15, 60 and 66, Effluent Limitations B.1 and B.2. and Groundwater Limitations E.)

As described in more detail in Findings 55-64 of the TWDRs, the discharges to the Reuse Areas are not expected to cause degradation for nitrate or organic material. Discharges to the Primary Lands may cause some limited, temporary degradation. However, the discharge of partially-treated wastewater is limited in aerial extent and duration; is limited in volume by Provision F.18 and the CAO already requires the Discharger to address groundwater pollution under the Primary Lands.

Since the existing facility will not cause nitrate degradation, nitrification/denitification is not necessary. BPTC does not require a discharger to incur additional, unnecessary treatment costs.

For salts, the applicable objectives are based on the Recommended Secondary MCLs and the narrative chemical constituents objective to protect irrigated agricultural uses. The discharge will neither exceed the most stringent MCL, nor cause or contribute to any degradation of groundwater quality (Finding 62), and will therefore comply with the TDS/EC and chloride objectives for MUN.

Application of the narrative objective for irrigated agricultural use requires a consideration of site-specific factors. Considering these factors (see Finding 61), only sodium has the potential to degrade groundwater, but not to levels needed to support site-specific irrigation uses. Therefore, the discharge does not have the potential to cause or contribute to an exceedence of the chemical constituents objective for sodium. The TWDRs limit the allowable degradation and require BPTC. Allowing the discharge is consistent with the maximum benefit to the people of the State as described in Finding 56.

CSPA does not cite any authority requiring a consideration of the additional factors listed on page 5 of its comment letter.

CSPA cites Finding 42, referring to prior degradation at the facility. The first sentence of Finding 42 has been modified as follows, to clarify that the degradation resulted from historic operations prior to recent and planned facility upgrades:

As detailed in the CAO, the historic discharges from the facility has unreasonably degraded groundwater beneath the Plant's storage ponds and Primary Lands and adjacent areas.

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## **HILMAR CHEESE COMPANY (HILMAR CHEESE)**

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Hilmar Cheese had numerous comments to the TWDRs, TSO, and MRP, which were editorial in nature (i.e., updated tables, clarifying information, grammatical suggestions, and typographical errors) and are not discussed here. Hilmar Cheese also provided specific, substantive comments, which are discussed below.

### **HILMAR CHEESE – Comments to TWDRs**

**HILMAR CHEESE – WDR Comment 1.a.:** Primary and Secondary Lands effluent data. The effluent data in the TWDRs included data through 2008 or early 2009. Hilmar Cheese provided data through October 2009 and requested the associated tables and values be changed to reflect the updated data set. Some of the values were higher and some were lower than those in the TWDRs.

**RESPONSE:** The TWDRs and associated documents have been modified to reflect the current data.

**HILMAR CHEESE – WDR Comment 1.b.:** Groundwater Quality data. Hilmar Cheese states that [Finding] 42 purports to discuss data collected by Jacobson James (consultant) under the Cleanup and Abatement Order. Jacobson James cannot verify the values referenced in this paragraph regarding supply wells.

Additionally, Hilmar Cheese notes in the third paragraph of this section that [Finding] 43 provides what has been termed “Ambient/Background” data, and suggests that because the

data do not characterize background data in the Reuse Areas, the term “Upgradient” be used instead.

**RESPONSE:** Finding 42 was modified to indicate the data from Jacobson James’ reports are taken from monitoring wells, in addition to supply wells.

The TWDRs and associated documents have been modified to reflect the term “Upgradient” instead of “Ambient/Background.”

**HILMAR CHEESE – WDR Comment 1.c.:** Effluent Limitations. Hilmar Cheese requested that the effluent limitations for total dissolved solids (TDS) and EC be based on a 12-month rolling average, and suggested that the monthly average effluent limitations for TDS and EC be raised to 600 mg/L and 1,000 umhos/cm, respectively.

**RESPONSE:** The originally proposed effluent limitations for TDS and EC of 500 mg/L and 900 umhos/cm, respectively, have been set to a 12-month rolling average. Use of a 12-month rolling average allows for some monthly variation, while assuring that the discharge will meet effluent limitations over the long term. The monthly average effluent limitations for TDS and EC have been set at 600 mg/L and 1,000 umhos/cm, respectively, to limit the amount of monthly variation.

**HILMAR CHEESE – WDR Comments 1.c.i and c.ii:** Prospective Incorporation of MCLs by Reference and Use of a Non-Regulatory Agricultural Goal. Hilmar Cheese states that these comments are in support of the requested changes to the TDS and EC limits, in case the limits are not changed.

**RESPONSE:** The TWDRs were modified to incorporate the requested changes. Central Valley Water Board staff has not prepared responses to these alternative comments because the change to the TWDRs makes them moot. The absence of a written response does not imply concurrence with those comments

**HILMAR CHEESE – WDR Comment 1.d:** Monitoring wells installed as part of the Cleanup and Abatement Order should not automatically be incorporated into the WDR compliance monitoring well network

**RESPONSE:** The TWDRs and associated documents have been modified to note a work plan is required from Hilmar Cheese with technical rationale for selecting a subset of monitoring wells for WDR compliance monitoring, subject to approval by the Executive Officer.

**HILMAR CHEESE – WDR Comment 1.e:** Antidegradation. Hilmar cheese points out that the State’s Antidegradation Policy allows for some degradation under certain conditions. Hilmar Cheese asserts that the Antidegradation Policy applies only when the quality of groundwater is better than established by policy. Because groundwater concentrations are greater than water

quality objectives, the Antidegradation Policy does not apply. Hilmar Cheese also states that because its treatment process is beyond that of any other food processor, some degradation of groundwater quality is consistent with maximum benefit to the people of the State. Hilmar Cheese states that its treatment technology constitutes best practicable treatment. For the reasons above, Hilmar Cheese requests changes to the effluent limitations, groundwater limitations, and time schedule (see Hilmar Cheese comments 1.c, 1.g, and 1.i).

**RESPONSE:** See Responses to Hilmar Cheese comments 1.c, 1.g and 1.i, which address these concerns. Comment 1.e therefore appears to be moot.

However, regarding the need to meet antidegradation requirements, Hilmar Cheese was afforded the opportunity to complete an antidegradation analysis to accompany its Report of Waste Discharge (RWD), which was required by the Settlement Agreement of 16 March 2006. Hilmar Cheese has not demonstrated that groundwater quality (as of 1968, adjusted by previously-approved degradation consistent with the Antidegradation Policy) was worse than applicable objectives. Groundwater modeling indicates that water quality in the area of the Secondary Lands has a total dissolved solids concentration of about 700 mg/L, which is below the Upper MCL for drinking water uses. In addition, some supply wells in the area of the Primary Lands demonstrate high quality groundwater at certain depths.

Hilmar Cheese's consultant evaluated Best Practicable Treatment or Control measures. The RWD found that it was practicable to treat the waste to the levels that are reflected in the TWDRs. Even if groundwater is already impaired, discharges may not cause or contribute to exceedences of water quality objectives, and the discharger must use "best efforts" to achieve a higher level of treatment if possible. (Order WQ 2000-07 (*San Luis Obispo Golf and Country Club*), citing Order WQ 81-5, pp. 6-7.)

Groundwater monitoring will demonstrate whether the prediction is accurate. The TWDRs have been modified to reflect monthly average limits for TDS and EC of 600 mg/L and 1,000 umhos/cm, and 12-month rolling average limits of 500 mg/L and 900 umhos/cm. The TWDRs were also modified to reflect changes to the submittal dates for a groundwater monitoring well installation report and nutrient management plans. No other changes were made.

The TWDRs do not require strict maintenance of background conditions, as Hilmar Cheese states. They are performance-based limitations that will assure protection of beneficial uses, meet applicable objectives, and prevent unreasonable degradation.

**HILMAR CHEESE – WDR Comment 1.f:** Water recycling/Water reclamation. Hilmar Cheese asserts that Water Board policies and Title 22 regulations related to recycled water are not applicable to industrial wastewater and have requested the term recycled be replaced with the term reclaimed.

**RESPONSE:** The California Water Code definition of recycled water does not exclude effluent originating from an industrial facility. However, since Title 22 regulations are based on protecting public health from pathogens originating from municipal wastewater, and because the terms “recycled” and “reclaimed” are synonymous, the TWDRs have been modified to use the terms “reuse” and “reused” instead.

**HILMAR CHEESE – WDR Comment 1.g:** Groundwater limitations – Title 22 constituents. Hilmar Cheese states that not all primary and secondary Maximum Contaminant Levels (MCLs) should be applied as groundwater limitations, only those that are actual constituents of concern.

**RESPONSE:** Consistent with the Basin Plan, the groundwater limitation continues to require that the discharge shall not cause or contribute to underlying groundwater exceeding MCLs. However, compliance with the groundwater limitation will be evaluated for the constituents of concern listed in the MRP, which does not include constituents that are not expected to be present in the discharge.

**HILMAR CHEESE – WDR Comment 1.h:** Salinity Minimization Plan. Hilmar Cheese reported it had already undertaken and implemented numerous measures designed to evaluate and reduce the salinity of its discharge and should not be required to submit a Salinity Minimization Plan as indicated.

**RESPONSE:** The TWDRs and associated documents have been modified to require a written summary of salinity minimization measures taken as part of Hilmar Cheese’s existing Salinity Minimization Plan. The MRP has been modified to require annual review and update of the Salinity Minimization Plan.

**HILMAR CHEESE – WDR Comment 1.i:** Submission Dates. Hilmar Cheese requested changes in the submission dates listed in the TWDRs. Hilmar cheese requests that the date for installation and sampling results from additional groundwater monitoring wells be changed from **1 April 2010** to **15 June 2010**. Additionally, Hilmar Cheese requests that the proposed due date for completion of a Nutrient Management Plans be changed from **1 June 2010** to **15 December 2010** to allow enough time for it to coordinate with, and develop Nutrient Management Plans for, approximately 30 individual users of the wastewater.

**RESPONSE:** The TWDRs and associated documents have been modified to change the dates as requested. The date for the groundwater monitoring results is reasonable to avoid wet early spring conditions and ensure access agreements are in place.

**HILMAR CHEESE – Comments on the Time Schedule Order**

Hilmar Cheese provided comments regarding the proposed Time Schedule Order for the following three topics:

- a) Remove an incorrect reference to NPDES regulations,
- b) Note that the TSO applies to the Primary Lands; and

- c) Consistent with Hilmar Cheese's RWD, revise the compliance dates for full compliance with the WDRs from **1 February 2011 to 15 February 2011** if ultrafiltration and reverse osmosis (UF/RO) technology is implemented, and from **1 July 2011 to 15 July 2011** if electro dialysis reversal (EDR) or other technology is implemented.

**RESPONSE:** The TSO was modified to remove the incorrect reference and to note it applies to the Primary Lands. The comments on the compliance due dates are noted and will be considered by the Central Valley Water Board.

### **HILMAR CHEESE – Comments on the Monitoring and Reporting Program**

**HILMAR CHEESE – MRP Comment 3.a.:** Influent Monitoring. Hilmar Cheese indicated that influent monitoring was unwarranted and requested it be removed from the MRP.

**RESPONSE:** In order to monitor performance of the WWTF, Central Valley Water Board staff does not concur with complete removal of influent monitoring. The MRP was modified to change the requirements for pH and EC monitoring from **twice weekly** to **weekly** and for biochemical oxygen demand (BOD<sub>5</sub>) monitoring from **weekly** to **monthly**.

**HILMAR CHEESE – MRP Comment 3.b.:** Effluent Monitoring -Priority Pollutants. Hilmar Cheese indicated that being an FDA-approved food processor, very few chemicals are used that would cause the effluent to contain priority pollutants, hence the request to include them was unreasonable and requested Priority Pollutants be removed from the list of analytes.

**RESPONSE:** The Priority Pollutant analyte list was reduced by removing pesticides and dioxins. The sampling frequency will remain annual, but constituents not detected in the previous year's monitoring can be removed from the analyte list for a period not to exceed five years. Every five years, the effluent will be tested for the full list of Priority Pollutants (minus pesticides and dioxins).

**HILMAR CHEESE – MRP Comment 3.c.:** Groundwater monitoring. Hilmar Cheese states that monitoring wells installed as part of the Cleanup and Abatement Order should not automatically be incorporated into the WDR compliance monitoring well network

**RESPONSE:** The MRP was modified accordingly (see response to WDR Comment 1.d).

**HILMAR CHEESE – MRP Comment 3.d:** Source Water Reporting. Hilmar Cheese requested clarification on the constituents required for source water monitoring and the reporting of them.

**RESPONSE:** The Glossary on page 11 of the MRP contains the list of constituents for the monitoring of General Minerals. EC and nitrate as nitrogen are not a part of the General Mineral list, so they are listed separately.

The MRP has been modified to clarify that source water EC, nitrate, and TDS need to be monitored and reported quarterly and source water General Minerals need to be monitored and reported annually.

**HILMAR CHEESE – MRP Comment 3.e:** Groundwater Monitoring Reports. The MRP requires monitoring data for each monitoring well dating back five years. Hilmar Cheese states the request is unreasonable as the Central Valley Water Board has the data in the monthly reports and requests the requirement be removed or required only in electronic spreadsheet format.

**RESPONSE:** The MRP has been modified to remove the number of year's worth of data that each table needs to include. Creating such tables should not be time consuming as most sites regulated by Title 27, California Code of Regulations, routinely provide such information. The historical data can be submitted in an electronic format.

**HILMAR CHEESE – MRP Comment 3.f:** Map Requirements. Hilmar indicates the MRP contains a map requirement in Fourth Quarter Monitoring requirements that is repetitive of quarterly requirements and requests it be deleted as it is duplicative.

**RESPONSE:** The Fourth Quarter Monitoring Report section of the MRP requires a map showing all Reuse Area parcels and indicating which parcels received wastewater during the annual reporting period. The Reuse Area reporting for the Quarterly Monitoring Requirements requires the names and parcel numbers of the Reuse Area that received wastewater, but not a new map. Therefore, no changes to the MRP were made.

**HILMAR CHEESE – MRP Comment 3.g.:** Transmittal letter requirements. The MRP contains a section discussing the transmittal letter that will accompany each monitoring report, including the requirement to identify any violation during the reporting period. Hilmar Cheese states that violations are determined by the Water Board and requests the term "exceedance" be used instead.

**RESPONSE:** The MRP was modified accordingly.

**HILMAR CHEESE – MRP Comment 3.h.:** MRP implementation date. The closing sentence of the MRP required that it be implemented "on the first day off the month following adoption of this Order." Hilmar Cheese requested the implementation date be modified to "the first day of the third month" to quarterly reporting requirements.

**RESPONSE:** The MRP was modified accordingly.

**HILMAR CHEESE – Other Comments 4.a:** Information Sheet. Hilmar Cheese indicates that given the short time frame, it was unable to prepare a response to the Information Sheet and requests the Information Sheet not be incorporated by reference in the WDRs.

**RESPONSE:** Central Valley Water Board staff has edited the Information Sheet to be consistent with the TWDRs and associated documents.

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**JO ANNE KIPPS**

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**MS. KIPPS – WDR Comment:** Effluent Limitations. The TWDRs should prescribe a performance-based effluent limitation for turbidity that equals the maximum turbidity values recommended by RO and EDR treatment technology manufacturers.

**RESPONSE:** Provision F.4 of the TWDRs requires Hilmar Cheese to properly operate and maintain all facilities to optimize the effectiveness of the treatment system. Effluent limitations are specified in the TWDRs for the discharge of effluent to land. Imposing internal compliance limits is not necessary.

**MS. KIPPS – WDR Comment:** The current wastewater blending proposal of Finding 24 of the TWDRs imply treatment bypass and, consequently, threatens to violate prohibitions on bypass. The TWDRs should require Hilmar Cheese to either install redundant treatment trains for all vital treatment units or emergency storage capacity. At a minimum, the TWDRs should identify which facilities of the WWTF are subject to Provision [F].5.

**RESPONSE:** Finding 24 has been modified to reflect that the proposed emergency wastewater blending system would allow treated wastewater to be mixed with other, already treated wastewater (i.e, flow equalization) rather than bypass. Provision F.5 applies to all wastewater treatment and control systems.

**MS. KIPPS – WDR Comment:** Wet Weather Storage Capacity. The TWDRs should contain a finding explaining how Hilmar Cheese can increase its discharge flow without expanding its wet weather effluent storage capacity.

**RESPONSE:** Provision F.10 requires Hilmar Cheese to maintain sufficient storage to comply with Provision F.9, which requires sufficient storage capacity to accommodate allowable wastewater flows and design precipitation based on a 100-year return period. Provision F.10 has been modified to require documentation of sufficient capacity at its facilities and the Reuse Area.

**MS. KIPPS – WDR Comment:** Indirect Hydraulic Connection to the San Joaquin River. The TWDRs should disclose that Turlock Irrigation District canals discharge ultimately to the San Joaquin River and that the discharge should require a National Pollutant Discharge Elimination System (NPDES) permit for the discharge from the tile drains to TID Lateral No. 6. In lieu of an NPDES permit; the TWDRs should require quarterly monitoring of TID Lateral No. 6 for a period of three years; and after three years, the resulting data should be evaluated to determine whether the Plant's discharge should be regulated by an NPDES permit that implements federal categorical effluent limitations.

**RESPONSE:** The tile drains beneath the Primary Lands have been disconnected and are not in direct hydraulic connection with any surface water. Effluent discharged to the Secondary Lands is fully treated, with TDS concentrations comparable to upgradient groundwater, and is reused to irrigate agricultural crops. The Clean Water Act exempts drainage from agricultural activities from NPDES permitting requirements. The tile drains in the Secondary Lands would collect groundwater, mixed with Hilmar Cheese's effluent after it had been spread over 750 to 1200 acres of land for irrigation. Even with upstream and down stream sampling, it would be difficult to nearly impossible to distinguish what portion of the sample is the result of wastewater discharge and what comes from other sources.

**MS. KIPPS – WDR Comment:** Domestic Wastewater Discharge. Due to shallow groundwater depths (5 to 15 feet below ground surface, and during wet periods, up to the ground surface). Hilmar Cheese's septic tank/leachfield system is likely not in compliance with the Basin Plan's guidelines for septic systems. The WDRs should require Hilmar Cheese to discharge its domestic wastewater to the sewer system serving the Hilmar community, or to install and operate a package wastewater treatment plant.

**RESPONSE:** The TWDRs regulate the discharge of treated effluent from the WWTF serving the Hilmar Cheese Processing Plant's industrial wastewater discharge. The issue of its domestic wastewater discharge will be dealt with separately.

**MS. KIPPS – Comments on the MRP**

**MS. KIPPS – MRP Comment:** Require continuous monitoring of wastewater turbidity immediately prior to salinity removal treatment and reporting of daily average and maximum wastewater turbidity.

**RESPONSE:** See response to Ms. Kipp's first comment.

**MS. KIPPS – MRP Comment:** Require continuous monitoring of effluent EC and reporting of daily average and maximum effluent EC.

**RESPONSE:** The TWDRs require weekly testing of effluent EC, which is adequate to monitor compliance with the 12-month rolling average EC limitation. The WWTF includes flow equalization and a complex series of continuous treatment. Therefore, there will not be such a degree of variation to warrant continuous monitoring.

**MS. KIPPS – MRP Comment:** Require monthly monitoring of effluent for trihalomethanes if wastewater is subjected to chlorination during Plant sanitation or treatment processes (chlorine is typically used to clean UF membranes).

**RESPONSE:** Wastewater is not chlorinated; therefore, the MRP was not modified. Trihalomethanes are included in the list of priority pollutants requiring periodic monitoring.

**MS. KIPPS – MRP Comment:** Require quarterly monitoring of effluent for iron and manganese since groundwater underlying the Primary Lands contains elevated concentrations of these two constituents.

**RESPONSE:** The MRP has been modified to require effluent monitoring for iron and manganese.

**MS. KIPPS – MRP Comment:** Require reporting of monthly average effluent total nitrogen, which is used to calculate total nitrogen loading to Reclamation Area parcels.

**RESPONSE:** The MRP has been modified to require reporting of monthly average nitrogen concentrations of the effluent.

**MS. KIPPS – MRP Comment:** Require monthly monitoring of water impounded in the Plant's storm water ponds for, at a minimum, EC, sodium, chloride, BOD<sub>5</sub>, and total nitrogen, to evaluate whether these ponds only receive discharges of storm water and of essentially pollutant-free wastewater.

**RESPONSE:** The MRP has been modified to require quarterly monitoring of the storm water basin.

**MS. KIPPS – MRP Comment:** The terms and conditions pertaining specifically to the discharge of effluent to Reclamation Area parcels should be contained in a separate section to make it easy for Reclamation Area parcel owners to identify which requirements apply specifically to them.

**RESPONSE:** Comment noted, but the TWDRs were not modified. The Reclamation [now Reuse] Area parcel owners are responsible for complying with all applicable requirements, and have not indicated any difficulty understanding the order.

**MS. KIPPS – MRP Comment:** Provision [F].8 concerns changes in ownership specific to "land or waste treatment and storage facilities presently owned or controlled by the Discharger." This provision should also specify how changes in ownership of Reclamation Area parcels will be handled (e.g., will ownership transfers require Executive Officer written approval?).

**RESPONSE:** Provision [F].8 of the TWDR requires that the succeeding owner or operator apply in writing to the Executive Officer requesting transfer of coverage under the WDRs. In the case of a change or addition to the Reclamation [now Reuse] Area,

Attachments B and C (Reuse Area map and Reuse Area Owners table) will be revised and placed on a Central Valley Water Board agenda for consideration and adoption.

**MS. KIPPS – MRP Comment:** Provision [F].22 requires Hilmar Cheese to submit by 1 June 2010 a Nutrient Management Plan for each separately-owned parcel where Plant effluent is applied for irrigation purposes. Such plans should have been submitted as part of Hilmar Cheese's RWD to demonstrate its discharge would not impair the beneficial uses of affected groundwater. In any event, the plans should be based on actual monitoring data of dairy wastewater and manure and not rely solely on text-book values that incorporate theoretical values for nitrogen loss.

**RESPONSE:** Provision F.21 includes a statement that the Nutrient Management Plans shall be consistent with General WDRs Order R5-2007-0035, *General Order for Existing Milk Cow Dairies*, which requires the sampling and laboratory analysis of manure.

**MS. KIPPS – MRP Comment:** Attachment D of the TWDRs should identify which Reclamation Area parcels are subject to the General Order for Existing Milk Cow Dairies.

**RESPONSE:** Attachment D has been modified to indicate those lands that are also dairies.

### **MS. KIPPS – Comments on the TSO**

**MS. KIPPS – TSO Comment:** Remove reference to NPDES regulations. Finding 12 also incorrectly states that the effluent limitation for EC contained in the TWDRs is new.

**RESPONSE:** The reference was mistakenly included and has been removed, and the statement edited.

**MS. KIPPS – TSO Comments:** Hilmar Cheese chose not to comply with the EC limit prescribed in WDRs Order 97-206 effective 15 March 1999, but increased cheese processing production at the Hilmar Plant, and constructed a new plant in Texas. Because of this history, the TSO should prescribe a civil penalty if compliance is not achieved in accordance with the TSO in accordance with CWC section 13308. This addition should provide a necessary financial incentive to ensure Hilmar Cheese this time will abide by its commitment to install, operate, and maintain a WWTF capable of generating an effluent that fully complies with the WDRs by the dates established in the TSO.

**RESPONSE:** Should Hilmar Cheese fail to meet applicable requirements, the Central Valley Water Board has the authority to assess civil liability for violation of the WDRs and the TSO at the time of violation.

**MS. KIPPS – TSO Comments:** Interim EC Limit for discharge to Primary Lands. Task 2 prescribes an interim EC limit for discharges to the Primary Lands (3,600 umhos/cm) that

essentially reflects the EC Limit in the Settlement Agreement (3,700 umhos/cm). The TSO should also impose interim effluent limitations for BOD<sub>5</sub>, and total nitrogen that reflect optimum operation of the WWTF's conventional treatment trains (i.e., 80 mg/L for BOD<sub>5</sub> and 20 mg/L for total nitrogen).

**RESPONSE:** Central Valley Water Board staff reviewed the performance of the treatment system prior to discharge to the primary lands, and lowered the proposed EC limit to 3,400 umhos/cm, and for clarity, added that determination be based on a 12-month averaging period. To continue to meet these limits, Hilmar Cheese cannot bypass the conventional treatment system. Since this is not intended to be a long-term solution, the TSO was not modified.