



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
<http://www.dfg.ca.gov>

EDMUND G. BROWN Jr., Governor
CHARLTON H. BONHAM, Director

SH



July 30, 2012

Scott Hatton, WRCE
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, California 93706

**Subject: Initial Study/Mitigated Negative Declaration
Adoption of Waste Discharge Requirements Order for
POM Wonderful, LLC (Project)
Fresno County
SCH No. 2012061095**

RECEIVED

JUL 31 2012

RWQCB-CVR
FRESNO, CALIF.

Dear Mr. Hatton:

The California Department of Fish and Game (Department) has reviewed the Initial Study (IS) prepared by the Central Valley Regional Water Quality Control Board (CVRWQCB) for the Project referenced above. Based on the IS findings, the CVRWQCB will consider adoption of a Mitigated Negative Declaration (MND) for the Project in a public hearing in early October 2012. As the Department understands the Project, POM Wonderful, LLC (POM) plans to increase their fruit processing capacity at their existing facility near the community of Del Rey in Fresno County. To support increased production, POM plans to: construct a new processing building within the existing facility footprint; expand the capacity of the process wastewater management system by constructing two additional process wastewater lagoons; and increase the landbase available for wastewater application.

In the IS/MND, CVRWQCB staff indicates that the Project would result in **no impacts** to biological resources in the area. However, the Department has identified areas where biological resources could potentially be impacted by the Project. Specifically, the Department is concerned with the potential Project-related impacts to the State-listed threatened Swainson's hawk (*Buteo swainsoni*), and other birds which may utilize the large on-site eucalyptus trees for nesting and roosting. These trees exist on-site within ½ mile of the where the new processing structure will be built and, although not detailed in the Project description presented in the IS, CVRWQCB staff indicated in an e-mail that POM plans to remove these trees. The Department recommends that bird surveys be conducted at the site by a qualified wildlife biologist during the appropriate timing to assess whether birds are utilizing the on-site eucalyptus trees and would therefore be impacted by removal of the trees, or by the nearby construction activities. The survey

results can then be used to identify any mitigation, minimization, and avoidance measures that should be included in the final California Environmental Quality Act (CEQA) document, and to inform any permitting needs. These identified measures should be made enforceable by inclusion in the final MND and made conditions of Project approval. Our specific comments follow.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

Responsible Agency Authority: The Department also has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001{c}, 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080. The Project has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA).

Bird Protection: The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include Sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory non-game bird). The environmental document for the Project should include

a discussion of how the Project related activities (tree removal, construction, etc.) would avoid impacts to birds, their eggs, and their nests at and near the site.

Potential Project Impacts and Recommendations

Other Nesting Bird Species: Raptors and other species of nesting birds have the potential to exist on the Project site. Project activities including disturbances near, or the removal of, trees being utilized by nesting birds, should take place outside of the breeding bird season which generally runs from February 15 to August 31 to avoid "take" (including disturbances which would cause abandonment of active nests containing eggs and/or young). "Take" means to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code, Section 86).

If the Project activities cannot feasibly avoid the breeding bird season, the Department recommends that beginning no more than 15 days prior to construction or tree removal, bird surveys should be conducted to detect any protected native birds utilizing the trees. The surveys should be conducted by a qualified wildlife biologist with experience in conducting breeding bird surveys. A no-disturbance buffer should be clearly delineated on the ground around active bird nests. The Department recommends buffers of at least ½ mile around active nests of listed species, 500 feet around active nests of non-listed raptors and migratory bird species, and 250 feet around active nests of other bird species until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Swainson's Hawk (SWHA): One of the raptors which are known to nest and forage in the area is the State-listed threatened SWHA. If ground-disturbing or construction activities are to occur in association with the Project during the breeding season (February 1 through September 15), the Department recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey method developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to commencing Project-related activities. Additional pre-construction surveys for active nests should be conducted by a qualified biologist no more than 10 days prior to the start of construction and during the appropriate timing to maximize detectability. Should an active nest be found, a minimum no-disturbance buffer of ½ mile should be observed until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and in the case of SWHA could

Scott Hatton, WRCE
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also result in "take" under CESA. This is especially true with species such as SWHA that exhibit high site fidelity to their nest and nest trees year after year. Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, the acquisition of an ITP pursuant to Section 2081(b) of the Fish and Game Code may be warranted and consultation with the Department should occur well in advance of ground-disturbing activities.

Regardless of nesting status, trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 that will be protected in perpetuity. This mitigation is needed to offset impacts to the loss of potential nesting habitat as nest trees are an extremely limited resource in the western central portion of the southern San Joaquin Valley. Funding of a sufficient long-term endowment for the management of the protected properties should be paid by the Project sponsors. In addition to fee title acquisition of SWHA nesting habitat, mitigation could occur by the purchase of conservation or suitable easements. The Department recommends that lands protected as nesting habitat for SWHA are located no more than 10 miles from suitable foraging habitat in order to be beneficial to the species. Mitigation measures for SWHA should be fully addressed in the CEQA document.

We recommend that a thorough analysis be conducted of the potential Project-related impacts to birds which may utilize the on-site eucalyptus trees. This is necessary to ensure the CEQA document prepared for the Project will adequately address all impacts to biological resources, and include the appropriate avoidance, minimization, and mitigation measures to reduce those impacts to less than significant. Additionally, we recommend that the Project-related documents be circulated through the State Clearinghouse.

We appreciate the opportunity to provide guidance on this Project. If you have any questions on these issues, please contact Steven Hulbert, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 289.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

Scott Hatton, WRCE
July 30, 2012
Page 5

Literature Cited

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

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JUL 30 2012

RWQCB-CVR
FRESNO, CALIF.

JUL 26 2012

Mr. Scott Hatton
Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, California 93706

SCH #2012061095, Initial Study/Proposed Mitigated Negative Declaration for the
Expansion of Whole Fruit and Juice Extraction Plant Project
Fresno County

Dear Mr. Hatton:

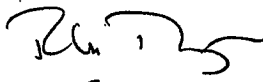
We have reviewed the Initial Study/Proposed Mitigated Negative Declaration for the above referenced project, which describes proposed improvements including the construction of up to two new wastewater storage ponds. The barrier heights and storage capacities of the individual ponds were not clearly identified. Therefore, it is unclear whether either of the two proposed ponds will be subject to State jurisdiction for dam safety.

As defined in Sections 6002 and 6003, Division 3, of the California Water Code, dams 25 feet or higher with a storage capacity of more than 15 acre-feet, and dams higher than 6 feet with a storage capacity of 50 acre-feet or more are subject to State jurisdiction. The dam height is the vertical distance measured from the maximum possible water storage level to the downstream toe of the barrier.

If either of the two proposed ponds is subject to State jurisdiction, a construction application, together with plans, specifications, and the appropriate filing fee must be filed with the Division of Safety of Dams for this project. All dam safety related issues must be resolved prior to approval of the application, and the work must be performed under the direction of a Civil Engineer registered in California. Sharon Tapia, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 227-4660.

If you have any questions or need additional information, you may contact Office Engineer Randy Fessler at (916) 227-4601 or me at (916) 227-4600.

Sincerely,


for

Shawn O. Jones, Regional Engineer
Southern Region
Field Engineering Branch
Division of Safety of Dams

cc: (See attached list.)

cc: Ms. Nadell Gayou
Resources Agency Project Coordinator
Environmental Review Section
Division of Statewide Integrated Water Management
901 P Street
Sacramento, California 95814

Governor's Office of Planning and Research
State Clearinghouse
Post Office Box 3044
Sacramento, California 95812-3044

6 August 2012

Jo Anne Kipps
Fresno, CA

Mr. W. Dale Harvey
California Regional Water Quality Control Board
1685 E Street, Suite 100
Fresno, CA 93706-2007

**TENTATIVE WASTE DISCHARGE REQUIREMENTS ORDER FOR POM WONDERFUL,
LLC, WHOLE FRUIT AND JUICE EXTRACTION PLANT, FRESNO COUNTY**

This letter transmits my comments on the subject Tentative Order, which was prepared by staff in the Central Valley Water Board's Fresno Office. I am a resident of Fresno County and a California registered civil engineer with expertise in evaluating the effects to soil and groundwater from discharges of food processing and winery wastewater to land for treatment and disposal. I am also personally familiar with this discharge operation from my years working as a Senior Water Resource Control Engineer in the Central Valley Water Board's Fresno Office.

This discharge operation, like many Central Valley food processing wastewater discharge operations, includes screening to remove excess solids from the waste stream, hauling of solids off site for use as cattle feed, application of nitrogen at agronomic rates, and groundwater monitoring to monitor the impact of the discharge on groundwater. It also features treatment and control measures that exceed those implemented by most Central Valley food processing dischargers, such as aeration and facultative ponds to reduce wastewater BOD concentrations, as well as treatment and storage ponds double lined with HPDE with a leak detection and recovery system between the two layers. These treatment and control measures, in addition to the other measures described in the Tentative Order, raise the bar for other Central Valley food processing dischargers, and provides evidence that "best practicable treatment and control" for food processing wastewater discharges includes treatment to reduce wastewater BOD to levels comparable to secondary treated municipal wastewater and waste containment requirements approaching Title 27 prescriptive standards.

Finding 33.a describes one salt management requirement established by the Tulare Lake Basin Plan until a salt drain is available: "The incremental increase in salts from use and treatment must be controlled to the extent possible. The maximum electrical conductivity (EC) in the discharge shall not exceed the EC of the source water plus 500 umhos/cm. When the source water is from more than one source, the EC shall be a weighted average of all sources."


Finding 34 describes an exemption from the incremental EC limit for Tulare Lake Basin food processing dischargers and cites average discharge TDS and FDS concentrations as evidence that the discharge meets the incremental EC limit exemption: "The Basin Plan allows an exception to the EC limit of source water plus 500 umhos/cm where the discharge exhibits a disproportionate increase in EC over the EC of source water due to unavoidable concentrations of organic dissolved solids from the raw food product, provided water quality objectives are met. With an average TDS concentration of 492 mg/L and an average FDS concentration of 261 mg/L, the discharge meets the incremental EC limit exemption."

Finding 9 states the average effluent EC is 609 umhos/cm and Finding 18 states the plant's source water EC is 130 umhos/cm. Therefore, the discharge EC is compliant with the Basin Plan's incremental EC limit. Since the discharger treats the plant's industrial wastewater to reduce BOD to levels approaching secondary treated municipal wastewater, the discharge no longer contains the "unavoidable concentrations of organic dissolved solids from the raw food product" that supports granting the incremental EC limit exemption and, because of this, the Central Valley Water Board should not grant this discharge an exemption from the incremental EC limit. The Tentative Order contains information indicating that area groundwater is of exceptional mineral quality. The Central Valley Water Board should require the discharger to comply with the Basin Plan's incremental EC limit to protect this high quality groundwater. **Recommendation 2: Revise Finding 34 to describe why the Basin Plan's incremental EC limit exemption does not apply to this discharge and revise Effluent Limitation C.1 to establish the monthly average effluent limit for EC to source water plus 500 umhos/cm.**

The drying of sludge in the empty storage pond (described in Finding 11) has the potential to create nuisance odors. **Recommendation 3: Revise Solids Disposal Specification E.1 to require the discharger to implement appropriate treatment or control measures for precluding the development of odor nuisance conditions during sludge drying operations.**

Finding 53 concerns the discharge's threat to water quality and complexity for annual fee purposes. Staff has correctly identified the discharge's threat to water quality as "2" and the discharge's complexity as "A". Waste discharge requirements orders for food processing wastewater discharges prepared by staff in the Region's other two offices and adopted recently by the Central Valley Water Board have assigned discharges a complexity of "B" even when the orders require groundwater monitoring. I commend the Fresno office staff for correctly applying the "A" level complexity designation for discharges with groundwater monitoring requirements.

I offer these recommendations in the hope that staff will revise the Tentative Order accordingly, or provide justification why staff believes the recommended changes are not warranted.



JO ANNE KIPPS
RCE 49278

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net

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RWQCB-CVR
FRESNO, CALIF.

July 16, 2012

Mr. Scott Hatton

California Regional Water Quality Control Board

1685 E Street
 Fresno, CA 93706

Re: SCH#2011061095; CEQA Notice of Completion: proposed Mitigated Negative Declaration for the POM Wonderful LLC Whole FRUIT and juice Extraction Plant Expansion Project; located in the Del Rey Community; Fresno County, California.

Dear Mr. Hatton:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA - CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect.

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public

Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contact
Fresno County
July 16, 2012

Big Sandy Rancheria of Mono Indians
Liz Hutchins Kipp, Chairperson
P.O. Box 337 / 37302 Western Mono
Auberry , CA 93602
ck@big sandy rancheria.com
(559) 855-4003
(559) 855-4129 Fax

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125 Mono
Dunlap , CA 93621 Foothill Yokuts
(559) 338-2354 Choinumni

Cold Springs Rancheria of Mono Indians
Robert Marquez, Chairperson
P.O. Box 209 Mono
Tollhouse , CA 93667
(559) 855-5043
559-855-4445 - FAX

Choinumni Tribe; Choinumni/Mono
Lorrie Planas
2736 Palo Alto Choinumni
Clovis , CA 93611 Mono

North Fork Mono Tribe
Ron Goode, Chairperson
13396 Tollhouse Road Mono
Clovis , CA 93619
rwgoode911@hotmail.com
(559) 299-3729 Home
(559) 355-1774 - cell

Table Mountain Rancheria
Bob Pennell, Cultural Resources Director
P.O. Box 410 Yokuts
Friant , CA 93626-0177
(559) 325-0351
(559) 217-9718 - cell
(559) 325-0394 FAX

Dumna Wo-Wah Tribal Government
Robert Ledger SR., Tribal Chairperson
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
ledgerrobert@ymail.com
559-519-1742 - office

Kings River Choinumni Farm Tribe
John Davis, Chairman
1064 Oxford Avenue Foothill Yokuts
Clovis , CA 93612-2211 Choinumni
(559) 307-6430

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012061095; CEQA Notice of Commission; proposed Mitigated Negative Declaration for the POM Wonderful LLC Whole Fruit and Juice Extraction Project located in the Del Rey area; Fresno County, California.

Native American Contact
Fresno County
July 16, 2012

Dunlap Band of Mono Historical Preservation Soc
Mandy Marine, Board Chairperson
P.O. Box 18 Mono
Dunlap , CA 93621
mandy_marine@hotmail.
com
559-274-1705

Santa Rosa Tachi Rancheria
Lalo Franco, Cultural Coordinator
P.O. Box 8 Tachi
Lemoore , CA 93245 Tache
(559) 924-1278 - Ext. 5 Yokut
(559) 924-3583 - FAX

Chowchilla Tribe of Yokuts
Jerry Brown
10553 N. Rice Road North Valley Yokuts
Fresno , CA 93720
559-434-3160

Dumna Wo-Wah Tribal Government
Eric Smith, Cultural Resource Manager
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
nuem2007@yahoo.com
559-519-1742 - office

The Choinumni Tribe of Yokuts
Rosemary Smith, Chairperson
1505 Barstow Choinumni
Clovis , CA 96311 Foothill YoKut
monoclovis@yahoo.com

Dumna Wo-Wah Tribal Government
John Ledger, Assistant Cultural Resource Manager
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
ledger17bonnie@yahoo.com
559-519-1742 - office

Frank Marquez
P.O. Box 565 Mono
Friant , CA 93626 Foothill Yokut
francomarquez@pmr.org
559-213-6543 - cell
559-822-3785

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012061095; CEQA Notice of Commission; proposed Mitigated Negative Declaration for the POM Wonderful LLC Whole Fruit and Juice Extraction Project located in the Del Rey area; Fresno County, California.

Hatton, Scott@Waterboards

From: Tim Souther <Tim.Souther@amec.com>
Sent: Thursday, August 02, 2012 2:27 PM
To: Hatton, Scott@Waterboards
Cc: Howard Barlow; cperez@pomwonderful.com; Harvey, Dale@Waterboards; Wass, Lonnie@Waterboards
Subject: RE: POM Wonderful Tentative WDRs and MRP

Cruz and I have reviewed your notes and concur.

Timothy G. Souther, REA II
Tel (559) 264-2535, fax (559) 264-7431
Direct (559) 892-2904, mobile/cell (559) 307-9310
tim.souther@amec.com

From: Hatton, Scott@Waterboards [<mailto:Scott.Hatton@waterboards.ca.gov>]
Sent: Wednesday, August 01, 2012 4:24 PM
To: cperez@pomwonderful.com; Barlow, Howard; Souther, Tim
Cc: Wass, Lonnie@Waterboards; Harvey, Dale@Waterboards
Subject: POM Wonderful Tentative WDRs and MRP

Cruz, Howard, and Tim –

It was nice meeting with you today regarding the POM Wonderful facility in Del Rey. Below is a summary of meeting. Let me know if I captured all of your comments.

Meeting Date: 1 August 2012; 2:00 PM

Meeting Location: 1685 E Street, Fresno, CA 93706

Meeting Attendees: Cruz Perez (POM Wonderful)
Howard Barlow (AMEC)
Tim Souther (AMEC)
Lonnie Wass (RWQCB)
Scott Hatton (RWQCB)

Comments on Tentative Waste Discharge Requirements

1. Finding 3, page 1 – the APN number for the facility is incorrect; update accordingly. Also add the APN for the land application area.
2. Attachment A – the portion of the sludge application area southwest of the former railroad track will no longer be available for sludge or wastewater application due to the construction of an airstrip at that location. Revise the figure on Attachment A accordingly.

Comments on Tentative Monitoring and Reporting Program

1. Effluent Monitoring – eliminate ammonia as N and total dissolved solids from the Constituent/Parameter list. Revise frequency for General Minerals monitoring to once every 5 years or following a process change at the facility.

2. Groundwater Monitoring – eliminate ammonia as N and total organic carbon from the Constituent/Parameter list. Reduce analytical suite for General Minerals to only include chloride and sulfate.
3. Source Water Monitoring – revise frequency for General Minerals monitoring to once every 5 years.
4. Soil Monitoring – Eliminate sodium and chloride from the Constituent/Parameter list. Revise the Sample Type to be a composite of all samples collected at a given depth interval.
5. Reporting – Require the Discharger to include in quarterly monitoring reports any anticipated process changes to the facility that will require General Minerals monitoring more frequently than once every 5 years.

Comments on Information Sheet

1. Page 6, bullets a) and b) – change “is” to “its” in the last sentence.

Comments to Initial Study

1. Page 8 – revise the figure to show that the land application area does not extend south of Clayton Avenue.

General Questions

1. Which BOD loading rate required by the MRP (either “day of application” or “cycle average”) will be used for compliance purposes? Specification D.4 of the WDRS (page 17) indicates cycle average.

Scott J. Hatton, PE
Water Resource Control Engineer
CA Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706
(559) 445-5116 Main
(559) 444-2502 Direct
(559) 445-5910 Fax
shatton@waterboards.ca.gov

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