

ITEM: 13

SUBJECT: Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region

BOARD ACTION: *Consideration of an Initial Study and Mitigated Negative Declaration and Consideration of a New Waiver of Waste Discharge Requirements*

BACKGROUND: Water Code section 13269 allows the Board to waive waste discharge requirements (WDRs) for specific types of discharge when a waiver is not against the public interest. Certain types of discharges have been waived by the Central Valley Water Board through the years. In 2003, the Central Valley Water Board adopted Resolution R5-2003-0106, which waived WDRs for certain land discharges from small food processors and small wineries. Resolution R5-2003-0106 expired on 11 July 2008, and the Board subsequently adopted Resolution R5-2009-0097 on 8 October 2009 to replace it. Resolution R5-2009-0097 expired on 8 October 2014.

During the five year term of the waiver allowed by Resolution R5-2009-0097, about 80 facilities were enrolled under the Waiver. Although the waiver has expired, these existing facilities continue to need regulatory coverage and staff expects that many new facilities will apply for coverage during the term of the proposed Waiver.

The proposed Waiver is similar to the previous waivers and conditionally waives WDRs for the following activities:

1. Land application of a limited volume of food processing wastewater to irrigate crops or landscaping;
2. Land application of a limited volume of residual solids to amend soils in cropped or landscaped areas; and

Similar to Resolution No. R5-2009-0097, the proposed Waiver imposes conditions of discharge that require dischargers to minimize or eliminate discharges of pollutants that could affect beneficial uses, and manage the discharges to prevent and minimize water quality degradation. These conditions include, but are not limited to:

1. Land discharge of water softener regeneration brine, boiler blowdown, stillage, or other high salinity waste is prohibited. Such wastes must be disposed of off-site at an appropriately permitted facility.
2. Liquid waste and residual solids must be applied to cropped or landscaped areas at rates that match the water, nitrogen, and other crop nutrient needs of the vegetation grown.

Changes from Resolution R5-2009-0097 include the following:

- An increase in the volume of wastewater discharged to land

from 100,000 gallons per year to 1,000,000 gallons per year.

- An increase in the volume of residual solids discharged to land each year that is commensurate with the proposed wastewater discharge volume increase.
- The proposed Waiver would allow temporary use of unlined ponds to store wash water generated by nut hulling operations only. The prohibition against the use of ponds for all other types of wastewater would be continued.
- The Proposed Waiver has three regulatory tiers based on the volume of waste to be land applied, and the Waiver fees are also tiered so that the smallest facilities would pay no fee; the mid-size facilities would pay a one-time fee (currently \$2,088); and the largest would pay an annual fee (currently \$2,088).

The Central Valley Water Board has the authority to enforce the conditions of a waiver similar to its authority to enforce requirements in WDRs.

The increase in the maximum allowable discharge volume prompted the Board to conduct an Initial Study pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) to evaluate the potential for discharges regulated by the Waiver to cause significant impacts to the environment. The Initial Study concluded that all potential effects could be mitigated to a less-than-significant level, and thus a Mitigated Negative Declaration was prepared for the Board's consideration.

ISSUES:

The Western Agricultural Processors Association (WAPA) submitted comments on an Administrative Draft of the Waiver expressing that 1) certain conditions and fees imposed by the Waiver on walnut hullers could be duplicative of conditions and fees imposed by the Board's Irrigated Lands program, and 2) findings and conditions related to the operation of ponds and the land application of walnut hulls may not be appropriate.

WAPA's comments merit further consideration. The Board has removed walnut hullers from the draft Waiver and will consider a separate Order or Waiver to address these concerns.

RECOMMENDATION: Staff recommends adoption of the Resolution approving the Initial Study and Mitigated Negative Declaration and adoption of the proposed Waiver.

Mgmt. Review RDB
Legal Review

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