



WESTERN AGRICULTURAL PROCESSORS
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ALO

October 29, 2014

Ms. Anne L. Olson, P.E.
Senior Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: ***Proposed Revisions to the General Waiver for Small Food Processors and Wineries***

Dear Ms. Olson,

On behalf of the Western Agricultural Processors Association (WAPA), we sincerely appreciate the opportunity to review and comment on the proposed revisions to the Conditional Waiver of Waste Discharge Requirements for Small Food Processors and Wineries. WAPA represents tree nut hullers and processors of almonds, pecans, pistachios and walnuts. To begin with we would like to express our gratitude for the overall approach of expanding the waiver to include nut hullers, as we feel strongly that the inherently short seasonal nature of these operations makes them far better suited for a waiver approach as opposed to an individual permit process. However, we do have some serious concerns with the proposed revisions and will outline those concerns here.

First, we would like to emphasize that the overwhelming majority of walnut hullers are small family owned operations that are an extension of the farm itself. They tend to operate less than two months per year, even for the largest of operations. Second, due to the extremely short season, these operations have very few year-round employees. Lastly, we want to be clear that walnut hullers do not add any chemicals to the water. The water is simply used to help remove the hulls and hull residue from the walnut.

Tiers -

In terms of the Tiers themselves, we have a couple of concerns. First, some of our members are concerned with the 1 million gallon per year limitation. Our thought is the larger operations will spread the greater volume of water across a greater land area thereby posing no greater threat to groundwater than any other smaller huller. Therefore, we would like to see the cap increased to 1.5 million or eliminated and simply make the waiver applicable to all walnut hullers. In addition, one of our biggest concerns has to do with the fees associated with the proposed Tiers. We are especially concerned with the Tier 3 level of \$2,088 annually – C3

categorization). It is difficult to understand how the fees are applicable to the level of work necessary to review the information required to be submitted. Second, it is further confusing when Tier 2 and Tier 3 facilities submit the same information on the same frequency, yet Tier 2 only pays every 5 years, and Tier 3 pays annually. We believe a more appropriate and substantiated fee should be levied and should happen only once every 5 years as proposed for Tier 2.

Specific Conditions

Wastewater Ponds -

Our first concern has to do with the wastewater ponds. Nut hullers are not subject to stormwater regulations so many ponds may contain stormwater. In many cases the combined water is applied to the orchard when the next irrigation is being conducted.

Another issue we have is the requirement that the water table be at least 5 feet below the base of the pond. This is probably acceptable in a majority of the cases, but there are times when some of our facilities have the water table at a level that water is coming into the walnut receiving pit. We have hullers near the Sacramento River that have water levels that come into their receiving pits during the wet, high water years. This requirement will be problematic in those instances.

At times of peak harvest, it will not only be impractical, it will be impossible to meet the requirement that the pond have a depth no greater than 5 feet at any time. If the orchard or the field where the water is going to be applied is being harvested or not in need of irrigation at the time, the water will be held until it is appropriate to apply it. Therefore, this also makes the December 31st deadline for draining the pond impractical and impossible to comply with, as does the requirement to maintain two feet of freeboard at all times. The reason a pond is utilized is to store the water until such time as it is appropriate and land is ready to accept the water. This makes all of these requirements and the requirement to apply immediately impossible. Simply impossible.

There was also discussion of not allowing wastewater to be applied within 150 feet of a river or stream due to concerns expressed by Fish and Wildlife. We understand this to be based upon one incident that happened over 20 years ago, and was an instance where a huller allegedly placed walnut hulls along the creek bed, or something like that. This example is not wastewater and we believe this condition to be unwarranted. The 25 feet requirement set forth for water supply wells or surface water drainage is more acceptable.

Residual Solids (Hulls) -

The biggest concern here is the requirement that the hulls be applied to land at rates that do not exceed crop demand for plant nutrients. This is something we are currently measuring and need to understand prior to any implementation of restrictions. We are also very concerned with the requirement that "all liquid be absorbed into the soil within 12 hours of application.

Depending on the time of the year this may or may not occur. Walnut hullers are usually prohibited from storing the walnut hulls onsite due to vector concerns (flies), so they are taken to the field or orchard for spreading at the earliest possible time.

There is also a requirement to not allow residual solids to contact the ground. This can't be done. Typically, they are stored on the ground to allow for drainage and then loaded and delivered to whatever field or orchard where they will be applied.

At the request of the Regional Board, we have embarked on a four walnut huller wastewater testing protocol this very season. At this moment in time we have just completed the second round of testing and hope to have the final round conducted next week. In addition, we have just recently sought out a lab to conduct the necessary tests on walnut hull and residual solids to determine the background data necessary to base any restrictions on nut hulling operations, and would respectfully ask that the Regional Board delay any actions until that data can be finalized, reviewed and discussed with the industry.

Again, thank you for the opportunity to provide input to the proposed revisions. The tree nut industry also acknowledges and appreciates the opportunity to be part of the waiver process as opposed to an individual waste discharge permit. Hopefully, common ground can be achieved and revisions implemented that make this proposal more acceptable. Should you have any questions regarding our comments, please feel free to contact me at (559)455-9272.

Sincerely,



Roger A. Isom
President/CEO