

**Regional Water Quality Control Board
Central Valley Region Board Meeting
13/14 October 2022**

**Response to Written Comments for the
Lamont Public Utility District and
Recology Blossom Valley Organics South
Lamont Wastewater Treatment Facility
Kern County
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 13/14 October 2022, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of revised Waste Discharge Requirements for Lamont Public Utility District and Recology Blossom Valley Organics South (collectively referred to as Dischargers) for the Lamont Wastewater Treatment Facility (WWTF) in Kern County as well as the revocation of Cease and Desist Order (CDO) R5-2012-0044. This document contains responses to written comments received from interested persons regarding the tentative Waste Discharge Requirements (TWDRs) originally circulated on 15 August 2022. Written comments were required by public notice to be received by the Central Valley Water Board by 14 September 2022 to receive full consideration. Comments were received by Lamont Public Utility District (District) on 23 August 2022 and Recology Blossom Valley Organics South (Recology) on 14 September 2022.

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff has made a few minor changes to the TWDRs to improve clarity and fix typographical errors.

LAMONT PUBLIC UTILITY DISTRICT (DISTRICT) – 23 AUGUST 2022 COMMENTS

On 23 August 2022, Scott Taylor, General Manager, submitted comments on behalf of the District. The following summarizes the District's comments.

DISTRICT COMMENT #1: The District requests the phrase “(except for enforcement purposes)” be removed from the “It is Hereby Ordered...” statement of the TWDRs (page 24 of the TWDRs document). The District states that if WDRs Orders R5-2012-0043 and R5-2012-0044 are rescinded then no piece of these Orders can have controlling, authoritative or enforcement powers. Furthermore, the District states this language is confusing, illogical, and contradictory. The referenced language from page 24 of TWDRs is included below:

It is Hereby Ordered, pursuant to Water Code sections 13263 and 13267: that Orders R5-2012-0043 and R5-2012-0044 are rescinded (except for enforcement purposes); and that the Dischargers and their agents, employees and successors shall comply with the following.

RESPONSE: The term “rescinded” has been replaced with the term “revoked”. The Porter-Cologne Water Quality Control Act (Water Code sections 13000 et seq.) grants the Regional Water Quality Control Board the authority to implement and enforce water quality laws, regulations, policies, and plans, to protect waters of the State. The TWDRs

propose to revoke previous WDRs R5-2012-0043 and Cease and Desist Order (CDO) R5-2012-0043 because Lamont has made modifications to the Facility's discharge since the issuance of WDRS Order R5-2012-0043, necessitating issuance of new WDRs, and has satisfied the requirements of the CDO. Therefore, these Orders are no longer necessary or appropriate for continuing regulation of the WWTF's discharge. Nevertheless, to the extent that these orders created enforceable legal obligations during their respective effective periods, the "except for enforcement purposes" clause clarifies that the Central Valley Water Board retains its authority to pursue enforcement action based upon violations of those orders that are discovered only after the orders are revoked (i.e., past violations). It is standard practice to include this language in any WDRs or rescission Orders adopted by the Central Valley Water Board. Therefore, no changes have been made to the TWDRs.

DISTRICT COMMENT #2: The District contends the Enforcement Section of the TWDRs (pages 37 and 38 of the TWDRs document) provides the language needed to enforce the TWDRs. According to the District, the TWDRs "have two different criteria for enforcement none of which determines which one is to be utilized if necessary." Therefore, Lamont contends that the enforcement language on page 24 of the TWDRs (i.e., Hereby Order section) and under the Enforcement section of pages 37 and 38 is duplicative and unnecessary because it creates confusion.

RESPONSE: See Response to District Comment No. 1 regarding the purpose of the language included in the Hereby Order section (page 24 of the TWDRs). The language in the Enforcement Section of the TWDRs is separate and distinct from the Hereby Order section and is not duplicative enforcement language. The "It is Hereby Ordered..." statement of the TWDRs specifically references enforcement of Orders R5-2012-0043 and R5-2012-0044. Conversely, the Enforcement Section in the TWDRs specifically references compliance with the TWDRs. Therefore, no changes have been made to the TWDRs.

RECOLOGY BLOSSOM VALLEY ORGANICS SOUTH (RECOLOGY) – 14 SEPTEMBER 2022 COMMENTS

On 14 September 2022, Sharbel Eid, Recology General Manager submitted comments on behalf of Recology Blossom Valley South. The following summarizes the Recology's comments.

RECOLOGY COMMENT #1: Recology objects to being collectively named as "Discharger" on the TWDRs for the Lamont WWTF. Recology states that many of the requirements in the TWDRs relate to the operation of the WWTF and that Recology does not manage, store, access, or use any byproduct of the WWTF. Recology's letter requests to modify the language in Finding 3 (2nd paragraph) of the TWDRs to read as follows:

"The WWTF, Use Areas, and Composting Facility are depicted on the Site Location Map in **Attachment A**. The District, as owner of the WWTF, Use Areas properties (including the Compost Facility)

and Recology Blossom Valley Organics South, as the operator of the Compost Facility and Use Areas, are collectively referred to as Discharger[s] ~~and are~~. The District is primarily responsible for compliance with the WDRs prescribed herein. The District is solely responsible for compliance with requirements related to all operations outside the areas of Recology's leasehold as well as requirements related to managing all byproducts of its WWTF other than the treated wastewater not released for use within Recology's leasehold. Recology is responsible only for compliance (and certification of compliance) with requirements of the WDRs arising from its use, distribution, or application of treated wastewater within its leasehold received from the WWTF, other than the Compost Facility, which is regulated under a separate set of WDRs Order 5-01-091."

RESPONSE: The language in Finding 3 has been modified as requested.

RECOLOGY COMMENT #2: Recology states that while the 2021 Lease Agreement does contain the language quoted in Finding 23 of the TWDRs, the 2021 Lease Agreement also specifies that the determination of the tasks necessary to prepare the parcel (APN 185-350-55) for farming is controlled by the District and its consultants. Therefore, Recology's letter requests to modify the language in Finding 23 of the TWDRs to read as follows:

"Recology will be responsible for providing all work equipment and labor that may be necessary to make the property suitable for commercial farming, including ripping, leveling, grading, disking, as well as the installation and maintenance of the necessary irrigation pipelines on the 160-acre parcel."

RESPONSE: The language in Finding 23 has been modified as requested.

RECOLOGY COMMENT #3: Recology has installed groundwater monitoring wells to replace existing MW-5 and MW-7. Recology requests to modify the language in Finding 36 of the TWDRs to read as follows:

"The WWTF has a groundwater monitoring well network of seven wells MW-1 through MW-7A, summarized in Table 7 below. Monitoring wells MW-1 to MW-3 were installed by the District in 1996 and monitoring wells MW-4 to MW-7A were installed by Community Recycling in 2002. In June 2018 Recology's consultant Soils Engineering, Inc. installed new wells at MW-5 and MW-7 to improve the recharge rate at the existing wellheads."

RESPONSE: Based on this new information the groundwater figures in the Information Sheet of the TWDRs have been updated. In addition, the language in Finding 36 has been modified to read as follows:

“The WWTF has a groundwater monitoring well network of seven wells MW-1 through MW-7A, summarized in Table 7 below. Monitoring wells MW-1 to MW-3 were installed by the District in 1996 and monitoring wells MW-4 to MW-7A were installed by Community Recycling in 2002. In June 2018, Recology installed two new groundwater monitoring wells (MW-5A and MW-7A) to replace existing groundwater monitoring wells (MW-5 and MW-7) that had declining water levels making it difficult to collect groundwater samples over the years. The two replacement groundwater monitoring wells were installed adjacent to the MW-5 and MW-7. According to the July 2018 Groundwater Monitoring Well Installation Report, groundwater monitoring wells MW-5 and MW-7 were abandoned in place and filled with neat cement grout.”