Regional Water Quality Control Board
Central Valley Region
Board Meeting – 23 August 2024

Response To Written Comments for the
Controlled Environment Food Fund (CEFF II) Tehachapi Property, LLC
CEFF II Tehachapi Greenhouse
Kern County
Tentative Waste Discharge Requirements

At a public hearing scheduled on 23 August 2024, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider the adoption of Waste Discharge Requirements (WDRs) and Monitoring and Reporting Program (MRP) for the Controlled Environment Food Fund (CEFF II) Tehachapi Property, LLC's CEFF II Tehachapi Greenhouse (Facility) in Kern County.

This document contains responses to written comments received from interested persons regarding the tentative WDRs and MRP circulated on 24 June 2024. Written comments from interested parties were required to be received by the Central Valley Water Board by 5:00 p.m. on 22 July 2024 to receive full consideration. Comments were received by the CEFF II Tehachapi Property, LLC (also referred to as Discharger).

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

CEFF II Tehachapi Property, LLC COMMENTS

CEFF II Tehachapi Property, LLC – Comment #1: *For Waste Stream 1, we would like to add that the package area drains are also included in this waste stream. For Waste Stream 3, we would like greenhouse condensate to be included in this waste stream. We would also like to clarify that all three waste streams can be discharged to the new lined pond and then applied to the LAAs.*

> **Response:** Staff revised Waste Stream 1 and Waste Stream 3 to include the other waste(s) consistent with the RWD. However, the current RWD did not discuss or characterize the discharge of all three waste streams combined to the new lined pond and then applied to the LAAs. Therefore, no changes were made to the discharge location; however, if the Discharger would like to pursue this option in the future, a revised RWD should be submitted to address this proposed material change.

CEFF II Tehachapi Property, LLC – Comment #2: *We would like Waste Stream 1 to say, "consists of auger discharge and discharge from the packaging facility floor drains." For Waste Stream 2, we would like to clarify that it is the source water that goes through the RO process. We would also like greenhouse condensate to be added to Waste Stream 3 (we would like this change to be made throughout the WDR).*

RESPONSE: Staff made the requested changes.

CEFF II Tehachapi Property, LLC – Comment #3: *We would like to clarify that the source water sample was taken from a spigot from the source water storage tank, not directly from the well. In addition, we would like to clarify that the baker tanks will be removed, and seasonal storage is to be provided by the new pond.*

RESPONSE: Staff made the requested changes to the WDRs.

CEFF II Tehachapi Property, LLC – Comment #4: *The lab results listed in Table 1 are not consistent with the lab reports that were submitted in the initial RWD submittal. There seem to be differences due to rounding, converting from mg/L to ug/L, and averaging values.*

RESPONSE: Staff revised Table 1 to correct differences due to rounding, converting from mg/L to ug/L, and averaging values, where necessary.

CEFF II Tehachapi Property, LLC – Comment #5: *We would like greenhouse condensate to be added to the list of contributors for the remaining 30 percent of wastewater*.

RESPONSE: Staff updated Finding 16 as requested.

CEFF II Tehachapi Property, LLC – Comment #6: *Table 2 lists the surface area and storage capacity for the "Unlined Northwest Pond" as 88,000 square-feet and 14 MG, respectively. These values do not reflect the correct values listed in the initial RWD submittal. We would like the values for the surface area and storage capacity for the "Unlined Northwest Pond" to read as 60,000 square-feet and 1.8 MG. We would like this change to be made throughout the WDR.*

RESPONSE: Staff made the requested changes to the WDRs.

CEFF II Tehachapi Property, LLC – Comment #7: *The samples representing Waste Discharge 3 were collected directly from the small, lined pond and evaporative cooler, and sample results were likely high due to evaporation causing the water to concentrate and/or solids accumulation. If future sampling of Waste Stream 3 demonstrates constituent concentrations are similar or less than those of Waste Stream 2, we would like an exception written into the MRP to allow the combining of Waste Streams 2 and 3 without the requirements of submitting a revised RWD.*

RESPONSE: Combining of Waste Streams 2 and 3 would require the submittal of a new RWD to account for the material change to the character, volume, and location of the discharge. Therefore, no exceptions were written into the WDRs or MRP to allow for the combining of Waste Streams 2 and 3 without the submittal of a revised RWD.

CEFF II Tehachapi Property, LLC – Comment #8: *These values* [in Finding 22] *do not reflect the correct stormwater pond values listed in the initial RWD submittal. The stormwater pond values should be 88,000 square-feet instead of 60,000 square-feet and 14 MG instead of 1.8 MG. Additionally, we would like the option for dust control to be added within Bullet 22. As explained in Section 1.1 Paragraph 3 of the submitted RWD, the facility may use wastewater for dust control (mostly on dirt roads and vehicle parking areas) on the property during the dry season).*

RESPONSE: Staff revised Finding 22 to list the correct stormwater pond values.

Dust control was not listed as a disposal option in Figure 8 – Process Flow Diagram of the RWD. Furthermore, the antidegradation analysis section of the RWD did not include a discussion of potential impacts to underlying groundwater from the disposal of process wastewater onsite. However, Finding 23 of these WDRs has been revised to include the Discharger's request to use wastewater for dust control, and Provision I.10 was added that requires the submittal of a workplan that includes more information on how dust control will be applied onsite in a way that will preclude the potential for water quality impacts, runoff, and nuisance and odor conditions to occur. Provision I.10 is as follows:

At least 90 days prior to applying wastewater for dust control, *the Discharger shall submit a* ***Dust Control Workplan*** *that describes how the Discharger will apply process wastewater onsite for dust control during the dry season. The Dust Control Workplan shall demonstrate how the discharge will be retained onsite, discuss potential impacts to underlying groundwater for constituents of concern (e.g. salinity and nitrogen), and include measures that prevent nuisance and odor conditions.*

CEFF II Tehachapi Property, LLC – Comment #9: *Some of the fields listed in Table 3 are not associated with the correct APNs listed in Figure 3 of the initial RWD submittal. We would like the following values (correct fields in red) to be placed within the table to reflect the correct fields associated with each APN.*

RESPONSE: Staff revised Table 3 as requested.

CEFF II Tehachapi Property, LLC – Comment #10: *We would like the flexibility to include sprinkler or micro-irrigation as well. The use of surface, sprinkler, or micro-irrigation is dependent upon the crops grown and the farming objectives of the grower. We understand that surface irrigation is the most restrictive of the three methods regarding water quality impacts, resulting in a reduction in the BOD_5 LAA loading rate limit to 50 lbs/acre/day. Thus, we would like the ability to utilize more efficient sprinkler or micro irrigation as well, so that the BOD5 LAA loading rate limit can be the standard 100 lbs/acre/day.*

RESPONSE: Staff revised Finding 24 and LAA specification F.5 to include the possibility of sprinkler or micro-irrigation. Also, to provide the Discharger with the

flexibility to change the method of irrigation, staff revised Finding 33 to include an additional BOD_5 LAA loading rate of 100 lbs/ac/day if sprinkler or micro-irrigation is used. Otherwise, the BOD_5 LAA loading rate limit for flood irrigation is 50 lbs/ac/day.

CEFF II Tehachapi Property, LLC – Comment #11: *We propose the following clarifications regarding the listed crops, [Finding 25] should read "…fodder crops such as sorghum, sudan grass, and wheat silage, or alfalfa hay. For a double cropped field, sorghum silage and sudan grass would be grown during the summer months and can be harvested multiple times. Wheat would be grown in the winter and harvested once." Additionally, the verbiage for the last sentence should be reworded as "Alfalfa is typically harvested about once every 30 days between March through October and is kept on the field for multiple years."*

RESPONSE: Staff revised Finding 25 as requested.

CEFF II Tehachapi Property, LLC – Comment #12: *FDS requirements are based on a single sample collected for the preparation of the RWD. Due to limited data, it is difficult to establish a representative concentration limit. Salinity levels are expected to fluctuate and then stabilize once the greenhouses are at full operational capacity, the new pond is in operation, and constituent concentrations are stabilized. If the FDS limitation is exceeded, the Discharger proposes to submit a Salinity Report. The Salinity Report will include an evaluation of salinity effluent levels. The option would include a discussion of whether a mass-based limitation is more appropriate for this facility than a concentration limit.*

We would like to change the performance-based effluent limitation to 1,220 mg/L for FDS. This limit would be 140% of the FDS concentration from Waste Stream 2. The current limit of 1,100 mg/L is based on the current RO system; however, a new and more efficient RO system will be installed in the fall of 2024 and the FDS concentration may increase because of it but the total pounds of FDS produced would be similar. The increased efficiency provided by the new system will assist with water conservation and may reduce the volume of brine water, which would cause the FDS concentrations to increase.

RESPONSE: Staff revised Finding 61.a to adjust the performance-based effluent limitation as requested.

CEFF II Tehachapi Property, LLC – Comment #13: *The lab results listed in Table 13 are not consistent with the lab reports that were in the initial RWD submittal.*

RESPONSE: Staff verified and updated values in Table 13.

CEFF II Tehachapi Property, LLC – Comment #14: *We would like to remove "proposes to increase" and replace it with "has the flexibility to increase". Salt loading on the LAA is only projected at this time. Actual values will be known once the greenhouse*

is at full capacity and the pond is equalizing the combined flows. Additionally, the total available LAA acreage is 103 acres, not 107 acres.

RESPONSE: Staff revised Finding 66 as requested.

CEFF II Tehachapi Property, LLC – Comment #15: *We propose including a statement explaining that the solids can be used as a soil amendment on the LAA if determined to meet agronomic application rates. We believe it would be more appropriate to use the composted solids as a soil amendment rather than hauling them off the property. We would also like to make this change throughout the report (such as on page 28).*

RESPONSE: Staff revised Finding 20 to include the Discharger's request to use solids for soil amendment in the future; however, the RWD does not characterize this waste stream and further information is needed prior to disposing of solids as an amendment. This information should be provided at least 90 days prior to using solids as an amendment and include characterization of the solid waste, discussion of potential water quality impacts, and how the waste will be managed to meet agronomic rates and preclude nuisance conditions (i.e., odors and vectors). This timeframe for submittal of further information is consistent with **Solids Disposal Specification H.5**, which is as follows:

Any proposed change in solids used or disposal practice shall be reported in writing to the Executive Officer at least 90 days in advance of the change.

CEFF II Tehachapi Property, LLC – Comment #16: *We would like to combine the flow limitations from the two waste streams into one combined flow limitation of a monthly average daily flow limit of 70,000 gallons per day (gpd). It is expected that the two flow volumes will fluctuate and ultimately the goal is to discharge the combined volume to the LAA*.

RESPONSE: The current RWD indicates separate discharges, which have been characterized and analyzed as such. If in the future, the Discharger would like to combine the waste streams and apply to the same LAAs, a revised RWD would need to be submitted to account for such material changes. Therefore, no change was made to the flow limitations.

CEFF II Tehachapi Property, LLC – Comment #17: *We believe having more data (including LAA crop uptake) could help identify a source and therefore would like to have enough time to sample the wastewater after new crops are being grown in the facility. We would also like to ensure the pond is constructed so that we can collect representative samples of what will be applied to the LAA in the long-term.*

Based on the above, the Discharger requested extensions for submitting the required workplans as follows:

- Iron and Manganese Source Evaluation and Minimization Plan: **9 months from adoption.**
- Design Report and CQA Plan: **90 from adoption**
- Pond Operation and Maintenance Plan: **90 days from when the pond is constructed, operations start, or final designs are approved**
- Wastewater Nutrient Management Plan: **160 days from final pond design approval**

RESPONSE: The plan due dates were extended as requested.

CEFF II Tehachapi Property, LLC – Comment #18: *We would like to clarify that the blending of nutrients occurs after the water is discharged from the storage tank, not in the tank.*

RESPONSE: Staff revised the information sheet as requested.

CEFF II Tehachapi Property, LLC – Comment #19: The Discharger provided a comment which outlined multiple necessary, minor administrative edits.

RESPONSE: Staff made minor revisions to the tentative WDRs.

CEFF II Tehachapi Property, LLC – Comment #20: *All waste streams will be combined prior to land application discharge. We propose that only one comprehensive effluent sample (EFF-001) be taken from the combined waste streams prior to land application. EFF-001 should be a representative location of wastewater pumped from the ponds to the LAAs (such as a sampling port on the pressurized line). This will provide the most accurate water quality data for the wastewater applied to the LAAs and loading rate calculations.*

RESPONSE: The RWD does not state that all waste streams are combined prior to land application discharge. According to the process flow diagram included in the RWD, all three waste streams were as proposed in the tentative WDRs. Therefore, no change was made to the MRP for sampling. If in the future the plan is to combine all the waste streams, the Discharger should submit a new RWD for material change of the location, volume, and character of the discharge. No changes were made associated with this comment.

CEFF II Tehachapi Property, LLC – Comment #21: *BOD_5 laboratory results for the samples collected for the preparation of the initial submittal RWD were equal to or less than 71 mg/L, therefore, low oxygen levels in the ponds caused by the effluent are not expected. We propose to change the occurrence to 1/month for DO measurements.*

Access to pond bottoms can sometimes be difficult and dangerous, especially on a synthetically lined pond (slipping hazard). Significant solids build-up can be observed from the pond edge. It is proposed that solids depth measurements be visual estimates.

RESPONSE: Staff made the requested change to reduce the DO monitoring to once per month. The solids depth requirement in Table 3 is already via observation, therefore, no change was made.

CEFF II Tehachapi Property, LLC – Comment #22: [Item II, MRP] *should specify that the source water sample will be pulled from the source water storage tank and that the sample is taken prior to the RO process.*

RESPONSE: Staff revised Item II.C in the MRP to clarify that the sample should be collected **prior** to any treatment.

CEFF II Tehachapi Property, LLC – Comment #23: *We propose to move these bullets to the 4th quarter monitoring report rather than being a part of the quarterly reports. If there is an impactful change at the Facility, then a bullets 7 and 8 can be included.*

RESPONSE: Staff moved the following items to the 4th quarter monitoring report as requested.

A discussion of annual chemical usage at the Facility (e.g., chemical name, purpose, and quantity used). ,and

A summary of any changes in processing that might affect waste characterization and/or discharge flow rates.