

**REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION BOARD MEETING
22 AUGUST 2025**

**RESPONSE TO WRITTEN COMMENTS FOR THE
CITY OF LODI
WHITE SLOUGH WATER POLLUTION CONTROL FACILITY
SAN JOAQUIN COUNTY
TENTATIVE WASTE DISCHARGE REQUIREMENTS**

At a public hearing scheduled for 22 August 2025, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), will consider adoption of waste discharge requirements (WDRs) for the City of Lodi White Slough Water Pollution Control Facility in San Joaquin County. This document contains responses to written comments received from interested parties regarding the tentative WDRs circulated on 21 May 2025. Written comments were required by public notice to be received by the Central Valley Water Board by 20 June 2025 to receive full consideration. Comments were received prior to the deadline from:

1. West Yost on behalf of the City of Lodi (Discharger)
2. Central Valley Clean Water Association (CVCWA)
3. Jo Anne Kipps (Interested Party)

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff have made changes to the tentative WDRs and MRP in response to the comments.

DISCHARGER COMMENTS

COMMENT 1: Revise hydraulic loading specification to reflect and support operational flexibility of the irrigation system. The City requests that Land Application Area Specification K.5 be replaced with a specification that requires good agricultural practices be used. The parallel text from the City of Modesto's recent Tentative WDRs are recommended for inclusion in Lodi's WDRs as an appropriate alternative:

RESPONSE: Language was not modified. The total flow limit is a monthly average limit and does not prevent overloading on a short-term basis. While the Discharger and farmers should be able to meet irrigation needs consistent with good agricultural practices, the goal of this specification is to prevent excess application beyond irrigation needs and percolation of recycled water into groundwater. The parallel text from the City of Modesto's tentative WDRs will be updated to reflect the standard specification used here.

COMMENT 2: Clarify and revise groundwater limitations and associated section in the MRP to be consistent with antidegradation findings, specifically in regard to manganese, and remove the limitation on groundwater to "contain taste or odor producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses".

RESPONSE: The groundwater limitations language was not modified.

WDRs adopted by the Central Valley Water Board must implement the applicable portions of the Central Valley Water Board's Water Quality Control Plans (i.e., Basin Plans). (Wat. Code, § 13263(a).) As stated in Findings 60 and 63, these WDRs implement the Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (SSJR Basin Plan), which includes, at section 3.2.4, a narrative water quality objective stating, "Ground waters shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses." Accordingly, Groundwater Limitation L.2 requires that the Facility's discharges not cause or contribute to groundwater containing taste or odor-producing constituents in concentrations that cause nuisance or adversely affect beneficial uses. The Board acknowledges that the narrative objective for taste- and odor-producing constituents has some overlap with the narrative objective for chemical constituents, which incorporates the MCLs specified in California Code of Regulations, title 22 (Title 22). However, this does not justify removal of the taste and odor narrative objective from these WDRs because it is possible that certain taste- and odor-causing constituents that are not captured in Title 22's MCLs, or for which numeric water quality objectives have not been established, could still be discharged from this facility.

Although the Antidegradation Policy findings acknowledge that elevated manganese concentrations in wells primarily in the northwestern portion of the Discharger's property may be largely caused by naturally occurring conditions, they also acknowledge that discharge from the Facility may be contributing to the mobilization of manganese in groundwater. As correctly noted in the comment, detected exceedances of applicable water quality objectives may be used as evidence that the Discharger has caused or contributed to pollution or nuisance conditions; this is not inconsistent with the groundwater limitations as written. The Antidegradation Policy requires regional water quality control boards to make certain findings and impose certain requirements when they authorize discharges of waste that may or will degrade high quality waters. High quality waters may be degraded to a certain extent before such degradation reaches the level of pollution (i.e., exceedance of water quality objectives). Regional Water Quality Control Boards generally cannot authorize pollution, except pursuant to time-limited compliance schedules, or nuisance. These WDRs authorize potential degradation vis-à-vis manganese, but do not include a compliance schedule allowing time-limited pollution vis-à-vis manganese; therefore, it is appropriate that the Groundwater Limitations do not allow for exceedance of the applicable water quality objective, or nuisance, with respect to manganese or other constituents.

BOD application is limited to 200 lb/ac/day or the rate that ensures compliance with the groundwater limitations. For wells that are exceeding the Secondary MCL for manganese, it is the responsibility of the Discharger to demonstrate that they are not contributing to groundwater containing constituent concentrations in excess of the Secondary MCL (or background quality, whichever is greater). For example, the Discharger may demonstrate that it is not causing or contributing to exceedances of the limit for manganese if it can demonstrate that concentrations for manganese are not increasing using a statistically supported intra-well analysis. Language describing the method of compliance was not added as it is the Discharger's

responsibility to provide information supporting compliance with the groundwater limitations. The method(s) used to show compliance is up to the Discharger.

COMMENT 3: Remove the new secondary effluent limit for total nitrogen from table 12 as the City does not have historical monitoring to demonstrate that it can meet this requirement, and because the City occasionally diverts water for surface discharge that does not meet low effluent limits for ammonia and nitrate plus nitrate to the secondary ponds, indicating that the city may not be able to meet the total nitrogen requirement. The City is already enrolled in the CV-SALTS program Pathway B for the Nitrate Control Program.

RESPONSE: Water Boards staff concur, and total nitrogen effluent limit was removed. More data is needed prior to setting an effluent nitrogen limit, which will be collected per the MRP. An effluent nitrogen limit may be set in the future, but for now the nitrogen loading limit and participation in the Nitrate Control Program are sufficient for the protection of groundwater.

COMMENT 4: Revise compliance point for average dry weather flow limit from influent flow to the sum of the flows at locations EFF-001 and REC-001.

RESPONSE: Revised per comment.

COMMENT 5: Remove molybdenum cumulative loading limit from Table 14 under the biosolids discharge specification as the cumulative loading is not required by Title 40 Part 503 of the Code of Federal Regulations.

RESPONSE: Although not required by CFR 40 Part 503, this requirement was included in the Biosolids General Order because of concerns with existing baseline metal concentrations in Central Valley soils, the presence of molybdenum in biosolids, and animal health concerns from consuming biosolids-amended feed. Additional justification for inclusion of a cumulative loading limit molybdenum in the biosolids general order is provided in the Statewide Program Environmental Impact Report Covering General Waste Discharge Requirements for Biosolids Land Application, produced in 2004. Molybdenum was left in Table 14 for this reason, and to maintain consistency with other biosolids permits in the Central Valley.

COMMENT 6: Specify effective date of the WDRs that aligns with the start of quarter 4 monitoring and reporting.

RESPONSE: WDRs become effective upon adoption, so they will become effective on 22 August 2025 if adopted by the Board. No change was made to the effective date of the WDRs. However, the MRP was updated to specify an effective date of September 1, 2025.

COMMENT 7: Clarify references use of “upgradient” monitoring wells, which is used to describe both offsite background monitoring wells and onsite wells in the northwestern portion of the City’s land application area.

RESPONSE: The WDRs have been revised to remove parenthetical references to wells WSM-2R, WSM-4, WSM-14 and WSM-15 as upgradient.

COMMENT 8: Revise finding 82 on California's policy that declares a human right to water, which is inaccurate as stated; revise text to state "it nevertheless promotes the policy by requiring discharges to **meet not cause groundwater exceeding** maximum contaminant levels (MCLs) for drinking water...."

RESPONSE: Staff concur, and the finding has been updated to state: "it nevertheless promotes the policy by requiring discharges to **not cause groundwater to exceed** maximum contaminant levels (MCLs) for drinking water (excluding salinity) ..."

COMMENT 9: Revise requirement to submit report prior to removing LAA from service in provision N.4 and Finding 29 to specify removing any LAA from long-term service. (i.e. beyond one year).

RESPONSE: Finding 29 has been revised to clarify "prior to **permanently** removing any LAA from service."

COMMENT 10: Modify references to 1991 standard provisions in MRP, which have been superseded by updates in the State's Environmental Laboratory Accreditation Program (ELAP).

RESPONSE: The two general references made to the 1991 standard provisions in sections I.C and Section III were removed from the MRP. The MRP states that laboratory analytical procedures shall be those that are approved for use by the EPA or ELAP.

COMMENT 11: Remove monitoring requirements for phosphorus and potassium in biosolids from the MRP as they are not subject to any limits and monitoring is not a good use of the City's resources.

RESPONSE: Monitoring for these constituents is required in all Central Valley biosolids permits that apply biosolids on agricultural land. This was left in the MRP requirements for regulatory consistency and because the Board requires this data to support its review of WDRs regulating biosolids application, including this WDRs Order.

COMMENT 12: Modify reporting requirements for laboratory analysis reports prepared by the City in the MRP. Clarify if laboratory analysis reports and certification by the chief of the laboratory is required for both contract laboratories and the City's laboratory.

RESPONSE: Revised per comment and suggested language incorporated.

COMMENT 13: Change references in the tentative WDRs to "industrial wastewater" to "industrial process water" to avoid confusion with domestic wastewater.

RESPONSE: Language was not updated as recommended. Industrial process water is often used to describe the water that is used in industrial processes and not that which is disposed of. In some cases, industrial process water may be significantly cleaner than the resultant wastewater. In the WDRs "Domestic" or "Industrial" preface the term "wastewater" to differentiate between the two waste streams. When the term "wastewater" is used without differentiation it applies to all wastewater, for example, in the LAA specifications.

COMMENT 14: Modify the Table 2 header to state “Table 2. Discharger’s Current Industrial Pretreatment Limits” as these limits are subject to change.

RESPONSE: Revised per comment, and note was added to the finding that these limits are subject to change.

COMMENT 15: Provide consistent references to BOD (BOD, BOD₅ or BOD 5-day) in the WDR and MRP.

RESPONSE: All references to BOD updated to BOD₅ for consistency.

COMMENT 16: Remove table notes on data exclusion from tables 10 and 11 stating that there is outlier data above 1000 mg/L.

RESPONSE: Reference to 1000 mg/L was corrected to 1000 **µg/L**. WSM-17 exceeded 1000 µg/L in 2019 Q1 and Q2 SMRs.

COMMENT 17: Update references to monthly self-monitoring reports in the MRP Section II.E.1 and 2 to quarterly self-monitoring reports.

RESPONSE: Revised per comment.

COMMENT 18: Confirm requirement to submit self-monitoring reports to GeoTracker as this is a new requirement for land discharge monitoring reports.

RESPONSE: Confirmed, starting in FY 25/26 self-monitoring reports submissions for land discharge permits are being moved to GeoTracker for consistency with other permitting programs.

COMMENT 18: Revise description of variable for Mass in BOD loading rate calculation to state “quadrant” rather than “section”.

RESPONSE: Revised per comment.

COMMENT 19: Various editorial comments

RESPONSE: Various editorial comments were incorporated, apart from the comment to correct the TDS calculation definitions. A note was added to explain how calculation should be performed, with annual concentration value and monthly volume. This is how the calculation is currently done in the annual reports.

CVCWA COMMENTS

COMMENT 1: CVCWA recommends that WQOs be removed from Table 7 and any other influent data table or, at a minimum, that the Tentative Order be revised to include language reflecting that the WQO is specific to receiving water, not the influent. Also, revise monthly average dry weather flow limit to regulate effluent flows rather than influent.

RESPONSE: Table 7 contains effluent data, not influent data. In addition, the finding for Table 7 (finding 22) states that the water quality objectives (WQOs) are for the receiving groundwater. No changes were made in response to this comment on removing the WQOs. Changes have been made to the monthly average dry weather flow limit, see response to Discharger comment #4.

COMMENT 2a: Redlines provided for finding 68 and 69 regarding the applicable Salinity Action Level and Nitrate Control Program.

RESPONSE: The redlined language was incorporated to findings 68 and 69, with minor edits.

COMMENT 2b: Update references of “salinity limit” to “salinity action level” and change salinity action level to be expressed as EC rather than TDS.

RESPONSE: All references to salinity limit were updated to reference salinity action level. Calculation and reporting of the flow weighted annual average for TDS has been a historical requirement under this land discharge permit, and therefore historic data was used to develop the salinity action level based on TDS. The salinity action level will remain as TDS in this permit as it allows for better tracking in changes of the flow-weighted average over time.

COMMENT 2c: Redlines provided page 51 of the information sheet to ensure language is consistent with CV-SALTS.

RESPONSE: The red-lined language was incorporated in the information sheet.

COMMENT 2d: Update numerical WQOs for salinity constituents in tables 6 and 10 to be consistent with the alternative salinity permitting approach as the City of Lodi is pursuing that pathway.

RESPONSE: Finding 22 notes that the table presents comparable actual and potential water quality objectives (WQOs) for the receiving groundwater. The same note was added to Finding 74 ahead of Table 11. These values, along with the other water quality objectives, are provided as a reference only. The alternative salinity permitting approach does not change the potential water quality objectives for the receiving groundwater. The following language was added to finding 22 to clarify that the Discharger is not required to meet the numerical WQOs in the tables under CV-SALTS: “Under the Central Valley Salinity Long-Term Sustainability (CV-SALTS) Salt Control Plan, dischargers complying with the Alternative Salinity Permitting Approach are exempt from meeting conservative salinity WQOs.”

COMMENT 2e: Update point of compliance language for salinity and nitrate in MRP for constancy with CV-SALTS.

RESPONSE: No language was added to Table 1 of the MRP, which lists monitoring points for the entire MRP, and not necessarily compliance points. Compliance with the CV-SALTS is discussed in the WDRs and calculation of the Performance-Based Salinity Limit is discussed further in the Reporting Requirements section of the MRP. If new monitoring locations are identified as part of the local Management Zone implementation, they will be incorporated into the MRP at that time.

COMMENT 3: Based on the Groundwater Quality information presented in Table 11, it seems appropriate that, if EC or TDS based on MUN is included in Table 11 as a single value, the upper rather than recommended value is appropriate.

RESPONSE: Reference WQOs for EC and TDS in Table 11 are based on agricultural water quality goals as described in Finding 22, not secondary MCLs. No change made.

COMMENT 4: Remove effluent total nitrogen limit.

RESPONSE: See response to Discharger comment #3.

COMMENT 5: Revisions to groundwater limitations, repeat of Discharger comment #2

RESPONSE: See response to Discharger comment #2. Recommended language was added to the fact sheet.

COMMENT 6: Remove finding 61, which discusses beneficial uses of surface water, because the permit concerns discharge to land only.

RESPONSE: Finding 61 was removed as requested.

COMMENT 7: Finding 88 should acknowledge that Sanitary Sewer Overflows – now called spills – and other aspects of operation and maintenance of the collection system are regulated under the SSS WDR and not by the Tentative WDRs.

RESPONSE: A sentence was added to finding 88 indicating that spills are covered under the Sanitary Sewer Spills General Order. References to SSOs were updated to spills.

COMMENT 8: Update references to the SPRRs - amended regulations for ELAP became effective in January of 2021 and the requirements and references in the Tentative MRP have since been superseded.

RESPONSE: See response to Discharger comment #10.

COMMENT 9: Update tentative MRP to clarify what is meant by “[w]here technically feasible...” on pg. 4 and update any references to “wastewater” to “treated wastewater” when describing treated effluent.

RESPONSE: “In addition” added, per comment. References to wastewater were updated to specify the type of treated wastewater. References in Section III.D.2 were left unchanged as this is standard language used by the State Water Board.

Jo Anne Kipps COMMENTS

COMMENT 1: Please confirm that both sludge lagoons are equipped with a steel-reinforced concrete liner and disclose the invert elevations of both lagoons. The technical report cited above is almost 20 years old. Please disclose whether (and when) the Discharger inspected the containment integrity of each lagoon liner.

RESPONSE: Biosolids Lagoon No. 2 was lined with steel-reinforced concrete in 1975. Biosolids Lagoon No. 1 was lined in 2008 with concrete to allow the City to use it for biosolids management. Lagoon invert elevation is 2.4 feet (NAVD88 datum), and the berm elevation is 10.9 feet for both lagoons. The City inspects the biosolids lagoon liners when they are emptied, approximately every four years. Liners were last inspected four years ago and are planned for inspecting when the lagoons are emptied later this year. This information was added to the info sheet.

COMMENT 2: As a best practicable control measure, please revise the tentative order to include a provision requiring the Discharger to submit within six months of order adoption a work plan and time schedule for inspecting the liner integrity of sludge lagoons to be completed within two years of work plan approval. And, if necessary, a second work plan and time schedule for liner repair to be completed within one year of work plan approval. Require photographic documentation of liner inspection and repair work.

RESPONSE: Because the City already follows a regular inspection schedule (see response to comment 1) as a part of its operations and maintenance plan, additional provisions on inspection and maintenance will not be added to the WDR requirements.

COMMENT 3: Please confirm that the present function of the 0.3-acre basin east of the sludge lagoons is to retain and dispose of Facility stormwater and describe the basin area's past function(s). If the basin's area did receive past discharges of sludge and/or supernatant, please explain how the basin's current apparent use for stormwater disposal will not release to groundwater sludge-derived waste constituents from soil in a mass or concentration that violates groundwater limitations.

RESPONSE: The basin east of the sludge lagoons is a stormwater retention basin and has not been used for solids storage. This basin is not covered by this Order and therefore evaluation of the basin falls outside of the scope of this permit.

COMMENT 4: Please revise the tentative order to provide elevation data for pond berms and inverts, and to disclose the apparent severity of pond sludge accumulations indicated in the Google Earth images cited above. Also disclose the extent to which apparent pond sludge accumulations reduce the effective storage capacities of each pond. Describe past efforts by the Discharger to (1) periodically measure pond sludge thickness in all unlined ponds and (2) remove excessive pond sludge accumulations.

Revise the MRP to include sludge thickness monitoring and require submittal of a workplan and time schedule for removal of sludge accumulation from unlined ponds.

RESPONSE: Table 1 Pond Dimensions were added to Finding 13 of the Order (including elevations for pond berms and bottoms). Accumulated solids thickness has not been measured in these ponds, and solids removal has not occurred in the

secondary ponds since construction. Pond sludge thickness monitoring was added to the MRP, and a requirement was added to the Discharger's annual self monitoring report to discuss compliance with Requirement M.1 and I.3 based on sludge thickness. Requirement M.1 requires "Sludge and solid waste shall be removed from screens, sumps, ponds, clarifiers, etc. as needed to ensure optimal plant performance." Requirement I.3 requires "The storage of biosolids, residual sludge, and solid waste on the Facility property shall be temporary and controlled and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils in a mass or concentration that will violate the Groundwater Limitations of this Order." Sludge thickness monitoring will inform plant operations, help the Discharger evaluate any potential impacts of accumulated sludge on groundwater quality and, if necessary, inform development of a schedule for removing sludge from unlined ponds.

COMMENT 5: Revise Findings 17 and 21 (and elsewhere as necessary) to indicate that industrial sewer line flows are directed to the storage ponds throughout the non-canning season (i.e., October through May).

RESPONSE: The findings were revised to reference October through May throughout the Order.

COMMENT 6: Has staff confirmed that the Discharger's method for calculating cycle average BOD loadings complies with that specified by the current MRP? If not, has staff calculated cycle average BOD loadings in accordance with the method required by the current MRP? If so, what are the correct cycle average BOD loadings and do these loadings exceed the current cycle average BOD loading limit of 200 pounds per acre per day (lb/ac/day)?

RESPONSE: The Discharger follows the method specified in the current MRP for calculating the cycle average BOD loading limit. The Discharger has noted in its SMRs and in its Report of Waste Discharge, that hydraulic loading calculations assume water flow and water pressure are evenly distributed across the irrigation system. However, water pressure depends on location and on which fields are being irrigated, which can result in some discrepancies between estimated and actual hydraulic loadings, and therefore BOD loadings. BOD cycle loadings are typically well below the 200 lb/ac/day limit, however, as noted in findings 53 and 54, the Discharger did exceed the current cycle average BOD loading limit of 200 pounds per acre per day (lb/ac/day) various times between 2020 and 2024. The Discharger has been working closely with the farmers, its consultant, and its agronomist to minimize the number of exceedances which typically occur during canning season due to varying flows and concentrations from the industrial wastewater.

COMMENT 7: Because groundwater contains nitrate in concentrations exceeding the WQO, please revise the tentative order and tentative MRP to include soil PAN in calculating the total nitrogen demand of crops grown in individual fields. And, because soil PAN varies from field to field and from year to year, please revise the tentative MRP to include annual soil monitoring in at least 15 representative fields for total nitrogen and PAN at one-foot intervals to a depth of 4 ft bgs. Alternatively, provide technical justification for not including soil PAN in determining agronomically acceptable nitrogen loading rates when groundwater nitrate concentrations exceed the WQO in many compliance wells.

RESPONSE: The Discharger currently accounts for the previous 2 years of biosolids application in terms of mineralized organic nitrogen when calculating plant available nitrogen in its Annual Cropping and Irrigation Report. The following statement was added to the Cropping and Irrigation Annual Monitoring Report and Plan requirements "Calculations for PAN shall consider mineralized organic nitrogen from previous cycle applications." The MRP has not been revised to add specific requirements for soil monitoring in specific fields but instead gives the Discharger and its agronomist flexibility to demonstrate their method for calculating PAN for the type of crop to be grown on each field, as specified in the most recent edition of the Western Fertilizer Handbook.

COMMENT 8: Because groundwater impacted by the discharge contains manganese in concentrations exceeding the WQO, it is apparent that the organic loading rate currently allowed is not protective of groundwater and is not compliant with the Basin Plan. Revise tentative order to restrict use of unlined ponds to tertiary or secondary effluent, line all storage ponds, or establish an effluent limitation for Pacific Coast Producer's (PCP's) cannery wastewater of 90% settleable solids removal.

RESPONSE: Staff does not concur that the current cycle average loading rate is not protective of groundwater, or that lining all ponds on the site is a reasonable requirement to reduce dissolved manganese concentrations in the northwestern quadrant of the Facility. Because the discharge is located in an area of long-term agricultural use and shallow groundwater conditions, it is not clear that the BOD loading rate alone is the cause for exceedances of manganese in groundwater. As discussed in the WDRs, dissolved manganese levels in other portions of the property are not exceeding the WQO for manganese, which may indicate that naturally occurring soil conditions are causing or significantly contributing to exceedances primarily in the northwestern quadrant. Intrawell analysis also demonstrates that manganese concentrations are not increasing, which indicates that current facility operations are not further degrading groundwater. The WDRs prohibit BOD loading rates from exceeding 200 lb/acre/day as a cycle average AND the daily and cycle average loading ensures compliance with the groundwater limitations. This means that the Discharger will be required to apply lower BOD loading rates to LAA fields with higher organic content and lower permeability soils, as they have done for the past several years in response to the exceedances.

COMMENT 9: Please revise the tentative order to include a map of the treatment works and its associated ponds labeling each major feature as described above.

RESPONSE: Attachment F: Map of Treatment Facilities was added to the WDRs. Treatment facilities and ponds covered by these WDRs are included on the map.

COMMENT 10: Revise list of Prior Order(s) on cover page to include Monitoring and Reporting Program R5-2013-0126 REV1 issued 10 December 2024 and the Notice of Applicability for coverage under WQ-2016-0068-DDW issued 18 December 2018.

RESPONSE: Revised MRP R5-2013-0126 REV1 and NOA WQ-2016-0068-DDW-5007 added per comment.

COMMENT 11: Legend on Attachment B not legible

RESPONSE: Map resolution has been updated to make legend legible.

COMMENT 12: Revise map to add arrows depicting the direction of groundwater flow in the Facility area.

RESPONSE: Map revised with arrows depicting the general direction of groundwater flow in the area.

COMMENT 13: In Finding 14, please confirm that the Table 2 limits apply only to PCP and, if so, revise Table 2 header accordingly.

RESPONSE: These limits apply to PCP, but the City has similar discharge limits for metals on all industrial users. Table 2 heading was updated to reflect these are limits from PCP's industrial permit.

COMMENT 14: In Finding 15, please confirm the months when industrial sewer line flows are directed to the storage ponds and revise finding accordingly.

RESPONSE: Revised to state "from October through May".

COMMENT 15: In Finding 15, please explain why the Discharger's local pH limits (6-10) are not effective in ensuring industrial sewer line flows do not damage piping and associated metallic infrastructure.

RESPONSE: The industrial sewer line goes through the facility headworks building (separate from the domestic wastewater headworks), this information was added to the finding. From there it discharges to the secondary ponds, or during canning season, directly to the LAAs. A pH of 6 is still acidic, and blending groundwater with industrial wastewater to protect piping is only used as a protective measure occasionally when industrial wastewater is acidic. For example, groundwater was not blended upstream of the industrial influent to the headworks at all in 2024.

COMMENT 16: In Finding 17, revise 2nd sentence to read: Order R5-2007-0113-01 did not have an industrial flow limit as discharge to the LAAs was limited by hydraulic loading.

RESPONSE: Revised per comment.

COMMENT 17: In Finding 19, revise 1st sentence to read: The Discharger as part of MRP R5-2013-0126, monitored....", and revise Table 5 to correct the units for cation/anion balance and confirm the values presented for average and maximum cation/anion balances.

RESPONSE: Revised per comment. Values presented for cation/anion balances in the table are correct.

COMMENT 18: In Finding 20, table 6, please describe how the average pH value of 8.3 was calculated. This also applies to the average pH value present in Finding 23, Table 6. Please revise table 6 to indicate whether the values provided for arsenic, iron and manganese reflect total or dissolved concentrations.

RESPONSE: This value came from the Discharger's RWD which was signed and certified by a professional engineer. Arsenic, iron and manganese values reflect total concentrations - unless explicitly called out as "dissolved", metals represent total values. This is consistent in other tables in the WDRs.

COMMENT 19: In Finding 21, revise finding to correspond with Discharger information regarding the months in which industrial sewer line flows are discharged to the storage ponds (typically October-May).

RESPONSE: Revised per comment.

COMMENT 20: In Finding 27, editorial comment to change “their” to “its” here and elsewhere in the document. Revise Table 8 heading, remove “historic” and clarify if the values presented in Table 8 refer to blended irrigation water.

RESPONSE: Revised per comment.

COMMENT 21: In Finding 48, confirm the top of casing elevations for WSM-17 and WSM-18 and revise table accordingly. Also include the definition for NGVD29 in the tentative order’s glossary. In addition, provide technical justification for including WSM-17 as a background well due to its distance from the discharge and location cross gradient to the groundwater flow direction, or consider eliminating the well from the tentative order’s characterization of groundwater conditions in the discharge area. Explain why staff did not use RMW-1 as an upgradient well.

RESPONSE: Values for the casing elevations for WSM-17 and WSM-18 have been updated in the table. The previous values corresponded to NAVD 88 datum. The definition of NGVD29 was added to the glossary. WSM-17 was constructed in 2008 as a background well to assess the background concentrations of nitrate in groundwater to the north and east (upgradient) of the dairy operation that is adjacent to the City’s property. WSM-17 is located approximately 3.5 miles from the Facility, however this location was selected because groundwater at this location is not influenced by the Facility or the adjacent dairy operation, and it has the same soil type, land use, and water use (irrigation with groundwater) as the Facility. WSM-17 has been used to determine background groundwater conditions for the City’s previous permit revisions and Groundwater Characterization Reports and therefore is relevant to this groundwater characterization table. A finding with this technical justification for inclusion of WSM-17 was added to the WDRs. RMW-1 is only monitored for groundwater elevation and is not appropriate for representing background conditions because this tract of land is irrigated with and heavily influenced by surface water.

COMMENT 22: In Finding 53, please explain the finding’s use of upgradient in the description of the wells located on the Discharger’s property. The finding’s disclosure of the high organic content in soils and high groundwater elevations in the NW quadrant should be sufficient for the tentative order to prohibit the discharge of untreated cannery wastewater to LAA fields within this quadrant. In fact, the tentative order should prohibit the discharge of untreated cannery wastewater to all LAA fields located in Guard series soils.

RESPONSE: The finding was modified to remove the use of “upgradient” in the description of wells located on the Discharger’s property. The tentative WDRs allow the Discharger operational flexibility to determine BOD loadings on each field that complies with the cycle average BOD loading limit and prevents exceedances of the groundwater limitations, based on groundwater monitoring and analysis.

COMMENT 23: Please revise Finding 54 to note the Discharger’s exclusion of soil PAN in determining crop nitrogen demand and how this exclusion can result in overestimating the

amount of nitrogen required for crop production. Also consider revising the tentative MRP to require annual crop monitoring for tonnage removed and nitrogen content from crop tissue analysis. This requirement is justified by the consistent elevated nitrate in groundwater affected by the LAA discharge.

RESPONSE: The finding was not modified per the comment, please see response to comment #7.

COMMENT 24: Please confirm current legal advice for discharge situations in which the Antidegradation Policy does not apply but where the discharge causes concentrations of waste constituents in groundwater to exceed background or upgradient levels. And, if the legal advice is the same as that effective 15 years ago, revise the finding accordingly. In other words, confirm with legal that a regulated discharge should not worsen the quality of background groundwater if it is not of high quality.

RESPONSE: Attorney-client communications are privileged and confidential and will not be disclosed in response to your request. Findings 71 and 72 of the tentative WDRs Order describes the scope and implementation of the Antidegradation Policy. When a receiving water is not high quality (i.e., exceeds the applicable WQO) for a particular constituent(s), the Antidegradation Policy does not apply with respect to regional water quality control boards' authorizations of discharges of such constituent(s). Regardless of whether the Antidegradation Policy applies, the Groundwater Limitations in § L of the tentative WDRs Order requires that the discharge not cause or contribute to groundwater exceeding applicable WQOs or background water quality, whichever is greater. For non-high quality waters, this means that the discharge cannot cause water quality to worsen. No changes were made.

COMMENT 25: In finding 74, while obviously there is no WQO for BOD, it is nevertheless the 'gorilla in the room' for this and all other discharges of high-BOD wastewater to land for treatment and disposal. Failure to address BOD as constituent of concern fails to recognize the potential for organic overloading to cause exceedances of the WQOs in groundwater for iron, manganese and arsenic.

RESPONSE: BOD is not a constituent, per se, but a measurement of microbial activity that reflects the oxygen demand from organic matter decomposition. Elevated BOD can cause oxygen depleted conditions, which may promote mobilization of metals (e.g., iron, manganese, arsenic). Additionally, as you note, there is no WQO for BOD, and therefore it does not fall within the scope of the Antidegradation Policy, which applies only to constituents for which WQOs have been established. BOD is discussed in this light in the Antidegradation Policy findings of the tentative WDRs Order. Therefore, no changes were made based on this comment.

COMMENT 25: In finding 74, data is used from the distant, cross-gradient WSM-17 in calculating "Average Upgradient Groundwater Quality". WSM-17 is not an upgradient well and, as such, it is inappropriate to use its water quality data for characterizing upgradient groundwater. A more appropriate upgradient well is RMW-1, which monitors groundwater upgradient from the discharge. Also, the finding characterizes onsite groundwater based on data from all wells within the 1,000-acre Discharger property. A more appropriate approach would be to characterize groundwater within each quadrant.

RESPONSE: See response to comment #21. WSM-17 has historically been used by the Discharger to characterize background groundwater quality. While this well is technically cross gradient based on recent contour maps, WSM-17 is representative of background quality and is not influenced by discharges within the Facility. Because of its historical use as a background well, data from WSM-17 was included in the evaluation. While this summary table may be an overly simplified characterization of groundwater, water quality is already broken down by each individual well in Table 10. Table 11 provides a summary of groundwater, however as discussed in Finding 74 this was not the only approach that was used to characterize groundwater.

COMMENT 26: Minor editorial revisions on Finding 74.c. The elevated iron concentrations in WSM-6 and WSM-6 compared to background suggest that arsenic mobilization may also be a constituent of concern, as arsenic bound to iron in soil is mobilized when iron is mobilized.

RESPONSE: Minor editorial revisions incorporated. Comment noted – the Discharger does not have historical groundwater monitoring data for arsenic as it is not required under the existing MRP. The revised MRP requires groundwater monitoring for arsenic.

COMMENT 27: In Finding 74.d. the fact that manganese concentrations are elevated but stable indicates that the discharge is not compliant with the Basin Plan. In addition, the LAA soils are naturally hydric which should be sufficient for staff to determine that LAA soils are not appropriate for the land treatment of high BOD wastewater. Reference of low pH levels in industrial wastewater should be removed or additional information should be provided in Finding 23. The tentative order indicates that it authorizes “limited degradation” of groundwater with respect to manganese when in fact it authorizes continued manganese pollution in groundwater in a manner inconsistent with the Basin Plan.

RESPONSE: Reference to low pH levels in industrial wastewater removed per comment. The groundwater limitations in the WDRs prohibit the Discharger from causing or contributing to constituent concentrations statistically greater than background groundwater quality, which prohibits any continued degradation of groundwater and protects beneficial uses. The limited degradation that is authorized is that which occurs primarily in the northwestern portion of the facility with the naturally hydric soils. The requirements of the WDRs Order are sufficient to prevent impairment of beneficial uses by manganese. Please note that, as stated on the State Water Board’s webpage concerning its current regulation of manganese, the secondary MCL for manganese “was established to address issues of aesthetics (discoloration), not health concerns.”

(https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Manganese.html) [last accessed 24 Jul. 2025].)

While wells in the immediate vicinity of northwestern portion of the Facility show potential manganese impacts, monitoring wells located at the Facility’s boundary show substantially lower concentrations of manganese than those in the Northwestern portion, and data from the farthest downgradient monitoring wells (WSM-6, WSM-9 and WSM-12) demonstrates groundwater quality is fully recovered from any the mobilization of manganese in limited portions of the Facility’s LAAs. There is no indication that the limited-area manganese degradation authorized by

this Order will impair present or beneficial uses of water within the groundwater basin underlying the Facility.

Additionally, as discussed in the Findings it is not clear that elevated manganese concentrations are attributed to the Discharger's operation. However, the Discharger has demonstrated, and will be required to continue to demonstrate, that manganese concentrations are not increasing in onsite groundwater monitoring wells, and that beneficial uses are not impacted. The following statement was added to finding 74.d: *"This order limits cycle average BOD₅ loading to 200 lb/ac/day or the rate that ensures compliance with the groundwater limitations of this order. In addition, Provision N.5 requires the Discharger complete an addendum or updated Organics Loading Study Technical Report to reassess whether BOD₅ loadings up to 200 lb/acre/day continue to have no significant impact on underlying groundwater."*

COMMENT 28: In Finding 74.e It appears that the 2009 report evaluated various BOD loading rates only for their potential to cause objectionable odors, not for groundwater impacts. Please confirm and, if so, disclose that the report did not evaluate groundwater impacts from various BOD loading rates. The finding states that 200 lb/ac/day "ensures compliance with the Groundwater Limitations of this Order"

RESPONSE: The 2009 report evaluated potential groundwater impacts from various loading rates and found no impact at rates under 200 lb/ac/day. The finding states that the BOD is limited to 200 lb/ac/day and is also limited to the rate that ensures continued compliance with the Groundwater Limitations. The rate that ensures continued compliance with the Groundwater Limitations may be less than 200 lb/ac/day. The Discharger is required to evaluate BOD loading and impacts on groundwater limitations annually and provide a plan for anticipated BOD loading rates for the following year in the Cropping and Irrigation Annual Monitoring Report and Plan. In addition, Provision N.5 was added, requiring the Discharger to complete an addendum or updated Organics Loading Study Technical Report to reassess whether BOD₅ loadings up to 200 lb/acre/day continue to have no significant impact on underlying groundwater. The Discharger is required to complete the updated study by July 1, 2028, to ensure eight quarterly monitoring results are obtained for new parameters for a valid statistical analysis.

COMMENT 29: In Finding 75, the conclusion, "Implementation of the above-listed treatment and control measures will minimize the extent of further water quality degradation resulting from the Facility's continued operation," is a conclusionary statement without sufficient technical justification.

RESPONSE: This language has been removed.

COMMENT 30: Finding 76 concludes that degradation caused by the discharge is, in effect, in the public interest. This discharge has created or contributed to a condition of nitrate and manganese pollution in groundwater that cannot be accepted as "consistent with the maximum interest of the people of the State of California."

RESPONSE: Staff do not concur. As stated in Finding 76, there are significant public benefits associated with centralized wastewater treatment in lieu of dispersed individual systems, which generally provide less treatment and are less susceptible

to precise management or monitoring. The Facility provides nitrification and denitrification, and secondary effluent is of higher quality in regard to nitrate than two of the upgradient monitoring wells. Nitrate levels in compliance wells are either stable or decreasing and the Discharger is in compliance with its groundwater limitations for nitrate and participating in the Nitrate Control Program. The WDRs prohibit any continued increase in manganese concentrations beyond background levels, and the existing manganese degradation is localized and not threatening present and anticipated beneficial uses as discussed in response to comment 27.

COMMENT 31: Finding 77 concludes that the degradation is in compliance with the Antidegradation Policy when the evidence presented indicates otherwise.

RESPONSE: As described in Findings 71-76, the Antidegradation Policy prohibits degradation of high quality waters unless the water board authorizing such degradation makes certain findings and prescribes requirements that will result in the best practicable treatment or control (BPTC) for the constituent(s) of concern. This level of treatment must be sufficient to prevent pollution or nuisance and to maintain the highest water quality possible, consistent with the maximum benefit to the people of the state will be maintained. The WDRs require the Discharger to implement the BPTC measures listed in Finding 75 and to meet requirements for Groundwater Limitations – this is consistent with the Antidegradation Policy.

COMMENT 32: In Finding 83, the discharge's threat to water quality is classified as "2". Because the discharge has caused or contributed to a condition of nitrate and manganese pollution in groundwater, its threat to water quality should be elevated to "1."

RESPONSE: Class 2 is for "Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance." The discharge best fits into this classification description and the classification is in line with other facilities of similar size and complexity. No change was made.

COMMENT 33: Finding 84 finds the Discharge exempt from Title 27. Evidence presented in the tentative order and in Discharger SMRs and technical reports indicates the discharge has caused or contributed to groundwater containing nitrate and manganese in concentrations exceeding WQOs. This fact disqualifies the discharge from the Title 27 exemption.

RESPONSE: Staff do not concur. Exceedances of background levels of nitrate in WSM-2/2R and WSM-15 have been attributed to long term impacts from improper placement of dredged sludge from the EQ ponds in 2003. Nitrogen levels are decreasing or stable in all compliance wells which indicates that limiting nitrogen to agronomic rates is protective of groundwater. In addition, the Discharger is enrolled in the Nitrate Control Program. Although groundwater data indicate that the discharge, along with natural soil conditions, may have contributed to localized manganese exceedances, the waste discharge requirements require the Discharger to implement the BPTCs for the manganese discharge at issue.

COMMENT 34: The preface, which rescinds the current order, does not rescind the NOA for coverage under the Statewide General Reclamation Order. Unless staff plans to

rescind the reclamation NOA under separate cover, revise the preface to rescind not only the NOA but also the current 2013 MRP.

RESPONSE: The NOA will be revised under separate coverage. The preface was revised to rescind WDRs Order R5-2007-0113-01 and MRP R5-2013-12-0126.

COMMENT 35: Requirement B.5 indicates that the bypass of industrial sewer line flows from the Facility's conventional treatment works is not considered bypass because it does not contain domestic waste. The federal definition of treatment bypass does not make this distinction.

RESPONSE: This sentence was removed to avoid confusion. Discharge of industrial wastewater to the LAAs is not considered a "treatment bypass" as the treatment facilities are only designed to treat domestic waste, and were never intended to treat the industrial wastewater.

COMMENT 36: Requirement C.1 establishes an influent flow limitation that is already contained in the Discharger's NPDES permit and is therefore redundant.

RESPONSE: See comment response to Discharger comment #4, this was updated to effluent flow limit.

COMMENT 37: In requirement C.2, minor editorial comment.

RESPONSE: Requirement C.2 was revised to "Total monthly average irrigation flows to the LAAs, measured as the sum of the flows at locations LND-001 and IRR-001, shall not exceed 7.2 MGD."

COMMENT 38: In requirement F.1, the method cited in the tentative MRP should be revised to account for soil PAN in determining agronomic nitrogen loadings.

RESPONSE: See response to comments #7 and #23.

COMMENT 39: Revise to read: As a means of discerning compliance with Waste Discharge Specification G7

RESPONSE: Revision incorporated.

COMMENT 40: In the MRP, add quarterly monitoring for total organic carbon and dissolved arsenic in Table 9, Groundwater Monitoring Requirements.

RESPONSE: TOC and dissolved arsenic were added to quarterly groundwater monitoring requirements in table 9 of the MRP

COMMENT 40: In the MRP, revise the pond monitoring requirements to specify how available pond freeboard is to be determined.

RESPONSE: The following note was added to the Pond Monitoring Requirements Table 6 in the MRP: "Freeboard shall be measured vertically from the water surface to the lowest elevation of pond berms (or spillway/overflow pipe invert) and shall be measured to the nearest 0.10 feet."

COMMENT 41: How is the BOD loading calculation equation's numerator calculated in the MRP?

RESPONSE: The BOD loading calculation for calculating cycle average BOD loading rates for each field was updated to be consistent with the calculation used in the current MRP and the Manual of Good Practice (Manual of Good Practice) for Land Application of Food Processing/Rinse water.

COMMENT 42: In the MRP, unless staff can cite technical references supporting the deviation of the proposed equation for BOD, please revise the tentative MRP to carry over the method specified in *the current MRP, revised to emphasize the use of actual daily wetted acreage (not the entire field acreage) for daily BOD loadings and the reporting of cycle duration (days) along with cycle average BOD loading rates?*

RESPONSE: The cycle average BOD loading calculation shown in the MRP was replaced with the standard equation used in the Manual of Good Practice for clarity on how loading rates are to be calculated. However, compliance of the BOD loading cycle average rates will still be determined by considering the average of BOD loading to all non-zero cycle average values within that quadrant. In the RWD, the Discharger performed cycle average BOD loading calculations for past exceedances within each field and using the quadrant method – in most cases, the quadrant method still shows that the Discharger exceeds cycle average BOD loading for the entire quadrant, but the number of exceedances is reduced. This still takes into consideration the total irrigated acreage and not just the number of fields.