

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2018-\_\_\_\_  
WESTLAKE FARMS, INC., SANDRIDGE PARTNERS LP, CITY OF LEMOORE,  
AND LEPRINO FOODS COMPANY,  
KINGS COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board or Board) finds that:

**The City of Lemoore's Discharge**

1. Waste Discharge Requirements (WDRs) Order 96-050 authorizes the discharge of disinfected effluent from the City of Lemoore's (City) wastewater treatment facility (WWTF) to the Westlake Canal. The City's WWTF was designed to treat both domestic wastes and industrial wastes. Industrial wastes included wastewater from cheese processing plants, a textile plant, and a tomato processing plant. The domestic and industrial waste streams are commingled and discharged at the head of the Westlake Canal, which is about 6 miles from the WWTF.
2. The Leprino Foods Company (Leprino) had historically relied on the WWTF to treat the wastewater generated at its Lemoore cheese processing plants. However, Leprino currently treats its process wastewater at its processing facility. After treatment, Leprino's wastewater is transported to the WWTF, where it is combined with the WWTF's domestic waste stream before the combined waste streams ("Combined Discharge") are disinfected and discharged to the Westlake Canal.
3. The discharge to the Westlake Canal was increased to approximately 4.5 million gallons per day (mgd) in accordance with the Report of Waste Discharge submitted by the City and Leprino in October 2001, following completion of Leprino's treatment system upgrade and construction of a new outfall pipeline to handle the increased flows.
4. Westlake Farms, Inc. (Westlake) receives the Combined Discharge under an agreement with the City dated 8 January 1996. Westlake recycles the wastewater, using the treated wastewater to irrigate crops grown on agricultural lands as shown in Attachment A, which is attached hereto and made a part of this Order by reference. This land is now owned as part of a tenancy in common consisting of Westlake Farms, Inc. and Sandridge Partners, LP.
5. As described in the findings below, the salinity in the Combined Discharge does not meet the limit set by WDRs Order 96-050.

**Compliance Issues**

6. WDRs Order 96-050 contains Discharge Specification B.8, which states, in relevant part:

The maximum electrical conductivity (EC) of the discharge shall not exceed the average EC of the source water plus 500 umhos/cm.

The average EC of the City's source water is about 700 umhos/cm, and therefore the Combined Discharge to the Westlake Canal is required to meet a limit of about 1,200 umhos/cm.

7. The effluent quality for the discharge from the City’s WWTF and the Leprino facility (prior to the comingling of the two waste streams) is summarized in Table 1, below. The results for biochemical oxygen demand (BOD), EC, and total suspended solids (TSS) were collected from January 2014 through December 2016. The EC results for the WWTF are from weekly sampling events, while the BOD and TSS results are from twice-weekly sampling events. Leprino’s EC and TSS results are from daily sampling events and the BOD results were collected twice a week. The upper number is the average and the range is shown below in parentheses.

**Table 1 - Lemoore WWTF & Leprino Effluent Water Quality**

<u>Constituents</u>	<u>Units</u> <sup>1</sup>	<u>WWTF Effluent</u>	<u>Leprino Effluent</u>
Electrical Conductivity	umhos/cm	1,190 (994 – 1,616)	2,691 (1,886 – 3,960)
Biochemical Oxygen Demand	mg/L	28 (5.4 – 73)	11 (1 – 45)
Total Suspended Solids	mg/L	42 (1 – 160)	15 (1 – 98)

<sup>1</sup> umhos/cm = micromhos per centimeter, mg/L = milligrams per liter.

8. The Combined Discharge quality is summarized in Table 2, below. The results are from January 2014 through December 2016, and the sampling frequency and the presentation of the data is the same as discussed in Finding 7.

**Table 2 – Combined Discharge Effluent Water Quality**

<u>Constituents</u>	<u>Units</u> <sup>1</sup>	<u>Effluent</u>
Electrical Conductivity	umhos/cm	2,133 (1,140 – 2,702)
Biochemical Oxygen Demand	mg/L	12 (1.3 – 38)
Total Suspended Solids	mg/L	24 (6.6 – 120)

<sup>1</sup> umhos/cm = micromhos per centimeter, mg/L = milligrams per liter.

9. Comparing the results shown in Table 1 to those in Table 2 shows that the BOD and TSS results are lower when the City’s treated domestic wastewater is combined with Leprino’s treated wastewater. However, the commingled EC has increased to over 2,100 micromhos per centimeter (umhos/cm). This exceeds the limit set by Discharge Specification B.8 of WDRs Order 96-050 (see Finding No. 6).
10. WDRs Order 96-050 contains Discharge Prohibition A.1, which states, in relevant part:

Discharge of wastes to surface waters or surface water drainage courses other than the irrigation canal [Westlake Canal] specified in Finding No. 8 is prohibited.

Due to the excessive salinity in the Combined Discharge, Westlake has indicated that it will discontinue its use of the Combined Discharge for irrigation purposes. However, routing the Combined Discharge to alternate land application areas for disposal, as described below, may result in violations of WDRs Order 96-050 Discharge Prohibition A.1.

### **Interim Solution**

11. This Order describes steps that the Dischargers will take in order to correct potential violations of Discharge Prohibition A.1 and Discharge Specification B.8. This Order is being issued to provide regulatory coverage for an interim solution to wastewater disposal issues while a long-term permitting solution is being developed.
12. As an interim solution, until the salinity issues are resolved, Sandridge Partners, LP (Sandridge), Leprino and the City propose to isolate and route the Combined Discharge to a new discharge point through Westlake's canal network to an area (the "Interim Application Area") just outside of the existing land application area identified in WDRs 96-050.
13. The proposed Interim Application Area is owned by Sandridge, and comprises approximately 2,900 net acres of farmland legally described as all of that real property, situated in the County of Kings, State of California, described as follows: all of Sections 30 and 31, and the south half of Section 32, in Township 22 South, Range 20 East Mount Diablo Baseline and Meridian (MDB&M), together with all of Sections 5, 6, and 8, in Township 23 South, Range 20 East MDB&M, lying northerly of the Blakeley Canal; excepting therefrom the east half of the east half of the east half of the east half of said Section 32; also excepting therefrom that portion of the north half of said Section 6 lying southwesterly of the Meander Line of Tulare Lake surveyed by W.H. Norway, according to the U.S. Government Plat dated 14 October 1884 as shown in Attachment B and made a part of this Order by reference.
14. To reach the Interim Application Area, the Combined Discharge will be isolated and routed from the current discharge point south along the path as shown on Attachment C [i.e., generally, via the existing drainage canal/ditch that runs down the eastern edge of Sections 13, 24, 25, and 36 of Township 21 South, Range 19 East MDB&M, and the eastern edge of Sections 1, 12, 13, 24, 25, and 36 of Township 22 South, Range 19 East MDB&M (the "Westlake Main Drain")]. A portion of this path (i.e., the portion that crosses Section 13, Township 22 South, Range 19 East MDB&M) is owned by the County Sanitation Districts No. 2 of Los Angeles County (Sanitation District). A License Agreement will be obtained from the Sanitation District for that portion of the path. As part of this License Agreement, Sandridge will construct necessary improvements to handle tile drainage water from Sanitation District's lands to keep it separate and ensure that it can reach the South Evaporation Basins regulated by WDRs 97-263 without comingling with the Combined Discharge.
15. The proposed Interim Application Area is currently fallow, but has been farmed in the past. Leprino, in conjunction with Sandridge, proposes to apply the Combined Discharge to the Interim Application Area at agronomic rates to irrigate salt-tolerant fodder crops (e.g., Jose tall grass, barley/oats, or similar crops) and to either harvest the crop or use it for grazing of non-milking cattle.

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16. Water Code section 13300, states:

Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board ... the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

17. Westlake Farms, Inc., Sandridge Partners, LP, the City of Lemoore, and Leprino Foods Company are named in this order because the named entities are either regulated under WDRs Order 96-050 or own or will lease land where the wastewater regulated by WDRs Order 96-050 will be discharged.
18. At 4.5 million gallons per day, the City and Leprino generate roughly 14 acre-feet of wastewater per day or about 5,110 acre-feet per year. With approximately 2,900 acres, the hydraulic load from the wastewater would be about 21 inches per acre per year. Based on the water balance and Nutrient Management Plan signed by Michael J. Ransom (RCE C77157), a California registered civil engineer and Louis Oliveira a certified crop advisor (#17275) with JM Lord, Inc., it appears that the Interim Application Area will have sufficient acreage to handle wastewater flows from the City and Leprino at reasonable agronomic rates.
19. The proposed interim discharge will be temporary (i.e., two years) and is consistent with the discharge allowed by WDRs 96-050 on land adjacent to and of similar quality.
20. The proposed Interim Application Area is in an area of poor quality groundwater within the historic Tulare Lake Bed. A Basin Plan amendment to remove the Municipal and Domestic supply (MUN) and Agricultural (AGR) beneficial uses for groundwater within this portion of the historic Tulare Lake Bed was approved by the Central Valley Water Board on 6 April 2017 and by the State Water Resources Control Board on 6 September 2017, and received final approval from the Office of Administrative Law (OAL) on 26 December 2017.
21. The Tulare Lake Bed may flood during very wet years. However, there are levees and flood control features to minimize flooding in the area. Historical aerial photographs of the area show that during the last historical floods in 1969 and 1983 no flood waters were reported in the area of the proposed Interim Application Area west of the South Central Levee. This Order prohibits discharge to surface waters and requires the Dischargers to prevent runoff from leaving the Interim Application Area.
22. This Order provides for an interim disposal option that is protective of public health and water quality and establishes a time schedule to bring the Combined Discharge into compliance with applicable effluent limitations that is as short as practicable, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.
23. This Order is accompanied by a Monitoring and Reporting Program, **R5-2018-0XXX** which contains specific monitoring and reporting requirements for the City, Leprino, and Sandridge.

24. Water Code section 13267, states, in part, that:

In conducting an investigation ... the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The technical reports required by this Order are necessary to ensure compliance with this Time Schedule Order, and to assure protection of the public health and safety. The persons named in this Order own and/or operate the facilities that discharge the wastes subject to this Order.

25. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Dischargers shall bear the professional's signature and stamp.
26. The issuance of this Order is an enforcement action by a regulatory agency, and therefore, is exempt from the provisions of the California Environmental Quality Act, pursuant to California Code of Regulations, title 14, section 15321(a) (2).

**IT IS HEREBY ORDERED** that, pursuant to sections 13300 and 13267 of the California Water Code, Westlake Farms, Inc., Sandridge Partners LP, the City of Lemoore, and Leprino Foods Company, their agents, successors, and assigns, shall:

1. The City and Leprino shall comply with WDRs Order 96-050, including Discharge Prohibition A.1 and Discharge Specification B.8, by **(two years from the effective date of this Order) in accordance with the following compliance schedule.**

<u>Task</u>	<u>Task Description</u>
a.	By <b>(1 year from the effective date of this Order)</b> the City and Leprino shall provide an update on the status of the Project.
b.	<p>By <b>(two years from the effective date of this Order)</b>:</p> <ol style="list-style-type: none"> <li>1. The City and Leprino shall ensure the Combined Discharge complies with the EC limits prescribed in WDRs Order 96-050, Discharge Specification B.8 (source water plus 500 umhos/cm) and begin discharging in compliance with WDRs Order 96-050 or any revision authorized by changes to the Water Quality Control Plan for the Tulare Lake Basin that were effectuated by the CV-SALTS process; or</li> <li>2. The City and Leprino together or separately shall submit a complete Report(s) of Waste Discharge (RWD) with supporting technical information to discharge to an alternate discharge location at least <b>140 days</b> prior to the end of this Time Schedule Order or receive Waste Discharge Requirements authorizing such a discharge. The RWD needs to address compliance with the Basin Plan limit for EC of 500 umhos/cm over source water or demonstrate that it meets an exemption to the limit.</li> </ol>

2. **Prior to initiating the discharge** to the Interim Application Area the City shall submit an addendum to its Title 22 Engineering Report for use of the proposed lands and receive approval from the State Water Resources Control Board's Division of Drinking Water (or DDW).
3. **Prior to initiating the discharge**, the Dischargers shall submit copies of the signed agreements allowing the discharge and movement of the Combined Discharge to the Interim Application Area.
4. For the life of this Time Schedule Order, the Dischargers (i.e., Sandridge, Leprino, and the City) shall manage the discharge of secondary disinfected wastewater from the City and Leprino (i.e., Combined Discharge or recycled water) to the Interim Application Area in accordance with the following prohibitions and specifications:
  - a. The discharge of recycled water to surface waters other than the open canals/ditches described in Finding 14 used to route the discharge to the Interim Application Area is prohibited.
  - b. The monthly average discharge shall not exceed 4.5 mgd.
  - c. The discharge of recycled water to lands other than the Interim Application Area as defined in this Time Schedule Order or the land identified in WDRs 96-050 is prohibited.
  - d. The comingling of tile drainage water and the Combined Discharge is prohibited.
  - e. The use of recycled water shall be limited to irrigation of fodder, fiber, and seed crops for non-human consumption, or for grazing of non-milking cattle.

- f. Recycled water shall be applied at reasonable agronomic rates to preclude the creation of nuisance or odor conditions considering the crop, soil, climate, and method of irrigation.
  - g. Cattle within the land application area shall be provided with fresh drinking water and will not be allowed to graze on land being actively irrigated with recycled water.
  - h. All recycled water and supplemental irrigation water shall be controlled and managed (i.e., tail water ponds, berms, etc.) to prevent runoff from leaving the land application areas.
5. The Dischargers (i.e., Sandridge, Leprino, and the City) shall ensure public contact with recycled water is controlled using signs and/or other appropriate means. Signs of a size no less than four inches high by eight inches wide with proper wording (shown below) shall be placed at all areas of public access and around the perimeter of all areas used for effluent disposal or conveyance to alert the public of the use of recycled water.

**“RECYCLED WATER – DO NOT DRINK”**

**“AGUA DE DESPERDICIO RECLAMADA – POR FAVOR NO TOME”**

6. The Dischargers (i.e., Sandridge, Leprino, and the City) shall maintain the following setback distances from areas irrigated with recycled water:

<u>Setback Distance (feet)</u>	<u>To</u>
50	Property Line
50	Public Roads
50	Drainage courses
100	Irrigation wells
100	Domestic wells

If, for any reason, any Discharger is unable to perform any activity or submit any document in compliance with the time schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Assistant Executive Officer, that Discharger may request, in writing, an extension of the time specified not to exceed one year. The extension request shall include justification for the delay. An extension may be granted by revision of this Order or by letter from the Assistant Executive Officer.

If, in the opinion of the Executive Officer, the Dischargers violate this Order, the Executive Officer may refer the matter to the Attorney General for judicial enforcement or alternately issue a formal complaint for Administrative Civil Liability.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The petition must be received by the State Water Board Office of the Chief Counsel, P.O. Box 100, Sacramento, California 95812-0100, within 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday,

Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

or will be provided upon request.

This Order is issued under authority delegated to the Executive Officer and her deputies by the Central Valley Water Board pursuant to Resolution R5-2009-0027 and is effective upon signature.

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PAMELA C. CREEDON, Executive Officer

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(Date)

Attachments

Attachment A: Site Vicinity Map  
Attachment B: Interim Application Area Map  
Attachment C: Route of Combined Discharge to Interim Application Area  
Information Sheet  
Monitoring and Reporting Program R5-2018-XXXX