California Regional Water Quality Control Board

Lahontan Region

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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegge
Governor

April 22, 2010

TO: ATTACHED MAILING LIST

WDID NO. 6B360704003

PROPOSED WASTE DISCHARGE REQUIREMENTS FOR GREEN VALLEY FOODS CHEESE PROCESSING FACILITY, CLASS II SURFACE IMPOUNDMENT, SAN BERNARDINO COUNTY

Enclosed for your information is a copy of the proposed agenda item for your review. The Regional Board will be considering adoption of the proposed order during its May 12 and 13, 2010 meeting in Hesperia.

If you need further information regarding this meeting, please contact our office at (760) 241-6583.

Sincerely,

Rebecca Phillips
Office Technician

Enclosures: Proposed Agenda Item
Agenda Announcement

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Green Valley Foods

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Driscoll & Associates

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MEETING OF MAY 12 AND 13, 2010
HESPERIA

ITEM: 9

SUBJECT: **WASTE DISCHARGE REQUIREMENTS FOR GREEN VALLEY FOODS, CHEESE PROCESSING FACILITY CLASS II SURFACE IMPOUNDMENT, San Bernardino County**

CHRONOLOGY: This is a new permit.

ISSUE: Should the Water Board adopt Waste Discharge Requirements authorizing Green Valley Foods to discharge cheese processing waste to a Class II Surface Impoundment?

DISCUSSION: Green Valley Foods (Discharger) currently owns and operates a cheese manufacturing facility on a 20-acre parcel of land in Barstow, San Bernardino County. The Facility currently discharges wastewater to the ground surface on a separate parcel of land. This practice has occurred for more than a decade.

The discharge consists of cheese manufacturing wastewater and cleaning wastewater which have been charactized as a designated liquid waste subject to water quality controls established under CCR, title 27. Fresh water, from an onsite groundwater well, is the water source for all water needs, including cheese manufacturing, industrial use, and domestic supply.

This Order requires the Discharger to construct a Class II Surface Impoundment to accept the discharge and discontinue the practice of discharge of untreated cheese process wastewater to land surface. The Surface Impoundment will be constructed pursuant to CCR, title 27 requirements that includes a double-liner system equipped with a leachate collection and removal system (LCRS) and groundwater and vadose zone monitoring.

The Discharger has submitted preliminary design plans for the Surface Impoundment. This Order requires the Discharger to build the Class II Surface Impoundment and cease discharge to land surface by March 30, 2011.

Regional Board staff has solicited comments from the Discharger and interested parties. All comments received have been addressed.

RECOMMENDATION: Adoption of Order as proposed.

Enclosures:
1. Proposed Board Order
2. Comments from Interested Parties
3. Response to Comments

BB/rp BO2010/GreenValleyFoods/Proposed/GVF Gs

ENCLOSURE 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6V-2010-(PROPOSED)
WDID NO. 6B360704003

WASTE DISCHARGE REQUIREMENTS
FOR

GREEN VALLEY FOODS,
CHEESE PROCESSING FACILITY,
CLASS II SURFACE IMPOUNDMENT

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Water Board), finds that:

1. Report of Waste Discharge

   Green Valley Foods has discharged wastes for over ten years without filing a Report of Waste Discharge to the Water Board. After receiving a request from the Water Board, Green Valley Foods submitted an initial permit application/Report of Waste Discharge (RWD) on April 6, 2007. Water Board staff reviewed the RWD and notified Green Valley Foods that it was incomplete. A series of submittals by Green Valley Foods and responses by Water Board staff were exchanged between April 2007 and July 2009; however, the RWD remains incomplete because the submitted design of the Surface Impoundment is insufficient to contain the proposed discharge. The Water Board is imposing these waste discharge requirements pursuant to Water Code Section 13263(d).

2. Discharger

   Hector Huerta, doing business as Green Valley Foods, is hereafter referred to as the "Discharger." The Discharger owns and operates a cheese manufacturing plant that processes milk (both liquid and solid) into rounds of Mexican style hard cheese called Cotija.

3. Facility

   The cheese manufacturing plant consists of two parcels located at 25660 and 25684 Community Drive in Barstow (Assessor's Parcel Numbers 0497-221-13-0-000 and 0497-221-14-0-000, respectively), as shown on Attachment A, which is made a part of this Order. Parcel 0497-221-13-0-000 is currently used for wastewater disposal to land. Parcel 0497-221-14-0-000 contains the food processing operations, unpaved access roads, employee parking, four residential houses, and the domestic water supply well that provides the water to both the cheese manufacturing plant and the residences. The Discharger reports that the cheese manufacturing plant has been in operation for over ten years. Operations of the cheese manufacturing plant results in the discharge of up to 10,000 gallons of wastewater per day to the

currently vacant parcel. The Discharger has proposed to discontinue this practice and restrict wastewater discharge to one Surface Impoundment. For the purposes of this Order, the Surface Impoundment, the cheese manufacturing plant, and related piping and appurtenances will be referred to herein as the Facility. Land use within 1,000 feet of the Facility includes residential, dairy, and agriculture.

4. Enforcement History

On December 10, 2007, the Executive Officer ordered the Discharger to submit Technical Reports pursuant to California Water Code (CWC), section 13267 to determine if discharges from the Facility have polluted or threaten to pollute groundwater. The groundwater data submitted in response to this Order indicate that the Discharger's current discharge practice has likely caused or contributed to groundwater pollution with respect to iron, nitrates, specific conductance, total dissolved solids (TDS), and volatile organic compounds (VOCs).

5. Order History

These are new Waste Discharge Requirements (WDRs) for the Facility.

6. Reason for Action

The Discharger's wastewater discharge to land is not currently regulated by WDRs. The disposal of wastewater to land surface and percolation to groundwater at the volume and concentration reported in the RWD has likely caused groundwater quality to exceed water quality objectives (WQOs). The continued operation of the Facility must be protective of groundwater quality and beneficial uses. To that end, the Water Board is requiring the Discharger to contain Facility wastewater in a lined Class II Surface Impoundment in accordance with California Code of Regulations (CCR), title 27, section 20210.

7. Wastewater Characterization

Wastewater discharged from the Facility consists of water and cleaning solution used for cleaning the cheese-making equipment and the rinsate from the milk delivery truck discharge spigots. Currently, the solids washed off of the equipment, the water and cleaning solution used to clean the equipment, and the rinsate from the milk delivery truck discharge spigots are commingled in an underground storage tank, pumped to a nearby vacant parcel, and discharged to the ground.

Wastewater from the Facility was sampled by Water Board staff on February 9, 2007. Two samples were collected: one of the effluent flowing from the discharge pipe, and one of the wastewater that had ponded at the discharge location. The Discharger collected an additional wastewater sample from the Facility on December 18, 2008. Analytical results from this sampling event were provided to Water Board

staff on February 2, 2009. The analytical results of all sampling efforts are presented in Table 1.

8. Waste Classification

Based on the analytical results presented in Table 1, the discharge from the Facility is classified as a designated waste. Designated waste is defined in CWC, section 13173, subdivision (b) as "nonhazardous waste that consists of, or contains, pollutants that, under ambient environmental conditions at a waste management unit, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan." Continued discharge of waste at these concentrations, specifically chloride, total and fecal coliform, fluoride, iron, pH, specific conductance, total dissolved solids, and volatile organic compounds, without containment or treatment will continue to violate water quality objectives for the receiving water.

9. Waste Management Unit Classification

The discharge from this Facility must be fully contained in a Class II waste management unit, as defined in CCR, title 27, section 20250. Residual solids are to be removed from the Surface Impoundment as part of routine maintenance. Any solids collected from the discharge must be disposed at a Class II waste management unit.

10. Description of Surface Impoundment

CCR, title 27, section 20210 requires that a Class II Surface Impoundment be designed to completely contain the waste. The Surface Impoundment must be: (a) double-lined with a no less than $1x10^{-6}$ cm/sec permeability, (b) equipped with a leachate collection and removal system (LCRS), (c) able to contain the additional volume of water from a 1,000-year, 24-hour storm event, in addition to the maximum design volume, while maintaining two feet of freeboard, (d) able to withstand seismic shaking from a maximum credible earthquake, and (e) installed, tested, and inspected in accordance with an accepted Construction Quality Assurance Plan.

Table 1 – Wastewater Discharge Sample Results

Constituent	Units	Ponded Effluent Concentration, 2/6/2007	Effluent Discharge Pipe Concentration, 2/9/2007	Discharge Concentration, 12/18/2008	MCL
Ammonia – Nitrogen	mg/L	85	24	6.1	NE
Barium	µg/L	130	160	110	1,000
BOD (Biological Oxygen Demand)	mg/L	12,000	>2,500	2,200	NE
Calcium	mg/L	210	220	120	NE
COD (Chemical Oxygen Demand)	mg/L	15,000	26,000	3,900	NE
Chloride	mg/L	**6,600**	**2,600**	**1,500**	
Coliform, Fecal	MPN/ 100 ml	**>1,600**	NA	NA	
Coliform, Total	MPN/ 100 ml	**>1,600**	**Present**[1]	NA	
Fluoride	mg/L	**400**	**180**	0.4	2
Hardness	mg/L	700	670	410	NE
Iron	µg/L	**3,900**	**2,000**	170	300
Kjeldahl Nitrogen	mg/L	290	140	76	NE
Magnesium	mg/L	41	30	23	NE
Manganese	µg/L	15	<50	13	50
Nitrate (As N)	mg/L	3.0	4.1	0.8	10
Orthophosphate Phosphorous	mg/L	260	220	19	NE
pH	units	**3.96**	**4.49**	7.0	6.5-8.5[2]
Potassium	mg/L	440	320	110	NE
Sodium	mg/L	3,800	1,900	970	NE
Specific Conductance	µmhos/ cm	**18,000**	**10,000**	**5,700**	900
Sulfate	mg/L	**260**	230	190	250
TDS (Total Dissolved Solids)	mg/L	**18,000**	**9,800**	**5,100**	500; 1,000; 1,500
Total Phosphorous	mg/L	130	82	29	NE
TSS (Total Suspended Solids)	mg/L	490	720	160	NE
Zinc	µg/L	240	130	27	5,000
Volatile Organic Compounds:					
3&4-Methylphenol	µg/L	<10	15		NE
Acetone	µg/L	4,200	63	150	NE
Bis(2-ethylhexyl)- phthalate	µg/L	**17**	<10		2
Bromodichloromethane	µg/L	<5	1	<5.0	80
Chloroform	µg/L	34	16	<5.0	80

Notes: Bolded values indicate an exceedance of the State maximum contaminant level.

1 Indicates total coliform was detected in the sample.

2 Per the Water Quality Control Plan, Lahontan Region (Basin Plan).

MCL = Maximum contaminant level.
µg/L = Micrograms per liter.
mg/L = Milligrams per liter.
MPN/100 ml = Most probably number per 100 milliliters.
NA = Not analyzed.
NE = MCL not established for this constituent.

11. Engineered Alternative to the Prescriptive Standard for the Surface Impoundment

CCR, title 27, includes prescriptive standards for waste management unit construction and also allows for engineered alternatives to such standards. CCR, title 27, section 20080, subdivisions (b) and (c), require that alternatives shall only be approved where the Discharger demonstrates that: (a) the construction of prescriptive standard is not feasible because it is unreasonably and unnecessarily burdensome and will cost substantially more than alternatives which meet the criteria, or is impractical and will not promote attainment of applicable performance standards; and (b) there is a specific engineered alternative that is consistent with the performance goal of the prescriptive standard and affords equivalent protection against water quality impairment.

The Discharger has proposed an engineered alternative to the prescriptive standard for the Surface Impoundment. However, the proposed design does not provide equivalent protection against water quality impairment because the proposed design is not large enough to contain the volume of the proposed discharge and the proposed design does not include a leachate collection and removal system, as required by CCR, title 27, for Class II Surface Impoundments. The Water Board rejects the Discharger's proposal for an engineered alternative and requires the Discharger to submit a proposed design for the Surface Impoundment that meets the requirements of CCR, title 27.

12. Action Leakage Rate

An action leakage rate (ALR) is based on design dimensions and specifications of a Surface Impoundment, and a 1992 United States Environmental Protection Agency (USEPA) guidance document, *Action Leakage Rates for Leak Detection Systems, Supplemental Background Document for the Final Double Liners and Leak Detection Systems Rule for Hazardous Waste Landfills, Waste Piles, and Surface Impoundments.* An industry standard ALR of no more than 20 gallons/day/acre through the upper liner of the double-lined Surface Impoundment into a leachate collection sump must be included in the Surface Impoundment Design Plans for this Facility.

This Order requires the Discharger to immediately take steps to locate and repair leak(s) in the liner system and notify the Water Board if the ALR is exceeded and to cease discharge and submit a time schedule for installation of a new liner if repairs do not result in a leakage rate less than the ALR.

13. Climate

Precipitation in the area of the Facility is less than five inches annually. The average surface evaporation rate is approximately 80 inches annually according to the United States Department of Agriculture (USDA) Soil Conservation Service. The area

typically has hot summers and mild winters. The Western Regional Climate Center, Barstow station, reports an average summer high of 109.6 degrees Fahrenheit and an average winter high of 64.2 degrees Fahrenheit.

14. Site Topography

The topography of the site is gently sloping downward to the east, with an elevation of 2,178 feet above mean sea level in the west and 2,175 feet above mean sea level in the east.

15. Site Geology

Surficial soils at the Facility are sandy soils. The soils in the vicinity of the current wastewater discharge to land are indurated (cemented) to an unknown depth, likely due to salt-cementation when liquids evaporate and leave residual salt in soil pore spaces. Subsurface soils are poorly sorted, fine- to coarse-grained sand to sandy gravel, with some cobble layers.

The Lenwood-Lockhart fault zone, Lenwood Section, is approximately two miles south of the facility and is the closest Holocene fault. Dextral slip is between 0.2 and 1.0 millimeters per year (mm/yr), but can occur at greater values when triggered by other seismic events.

16. Site Hydrogeology and Hydrology

The Facility site is located approximately ¾ mile north of the Mojave River, but the site is not located within a 100-year floodplain of the river. Groundwater beneath the Facility is encountered at approximately 65 feet below ground surface.

17. Groundwater Quality

The Discharger has been discharging wastewater to ground for over a decade. The Discharger conducted an investigation to determine if discharges from the Facility have polluted or threaten to pollute groundwater. As part of that investigation, five monitoring wells were installed in and around the current area of discharge. The groundwater data submitted as a result of that investigation indicate that the Discharger's current practice has likely caused or contributed to groundwater pollution with respect to iron, nitrates, specific conductance, total dissolved solids (TDS), and volatile organic compounds (VOCs). Sampling results from this groundwater investigation are presented in Table 2. Due to a limited data set, the extent of the Discharger's contribution to groundwater pollution has not yet been fully determined. Groundwater flow velocity has not yet been determined at this site. Regional groundwater flow direction is believed to be influenced by the nearby Mojave River, but is overall to the east-southeast. However, it is evident that the groundwater in the vicinity of the Facility has been negatively impacted.

Because the current discharge is essentially upgradient of the proposed Surface Impoundment location, additional monitoring wells will need to be installed to adequately characterize the background water quality upgradient of the proposed Surface Impoundment.

Table 2. Groundwater Investigation Results

	Units	MW-1	MW-2	MW-3	MW-4	MW-5	MCL
Screen Interval	ft bgs	60-80	60-80	60-80	60-80	60-80	
Depth to Water	ft	61.65	60.52	63.50	62.10	64.28	
Alkalinity, Total	mg/L	280	120	260	220	180	NE
Ammonia – Nitrogen	mg/L	0.11	<0.1	<0.1	<0.1	<0.1	NE
Barium	µg/L	180	<100	130	150	110	1000
Bicarbonate	mg/L	340	150	320	270	220	NE
BOD (Biological Oxygen Demand)	mg/L	<5	<5	<5	<5	<5	NE
COD (Chemical Oxygen Demand)	mg/L	17	13	24	28	13	NE
Chloride	mg/L	200	65	**250**	150	170	250
Coliform, Fecal	MPN/ 100 ml	<2	27	8	23	<2	
Coliform, Total	MPN/ 100 ml	<2	27	8	9000	130	
Fluoride	mg/L	0.6	0.7	0.7	0.5	0.6	2
Iron	µg/L	**7400**	**3600**	**1400**	**2800**	**2400**	300
Manganese	µg/L	**230**	**81**	**59**	**68**	**79**	50
Nitrate (As N)	mg/L	**22**	3.2	**13**	**12**	5.0	10
Kjeldahl Nitrogen	mg/L	<0.1	<0.1	<0.1	<0.1	0.11	NE
Total Nitrogen	mg/L	22	3.2	13	12	5.1	NE
Orthophosphate Phosphorous	mg/L	<0.1	<0.1	<0.1	<0.1	<0.1	NE
pH	units	7	7.6	7.4	7.4	7.2	6.5-8.5[1]
Total Phosphorous	mg/L	0.18	0.13	0.06	0.06	0.12	NE
Potassium	mg/L	6.2	3.5	5.7	5.1	4.5	NE
Sodium	mg/L	170	100	200	140	140	NE
Specific Conductance	umhos /cm	**1800**	**770**	**1900**	**1400**	**1300**	900
TDS (Total Dissolved Solids)	mg/L	**1100**	460	**1200**	**1100**	**790**	500; 1,000; 1,500
TSS (Total Suspended Solids)	mg/L	100	80	49	53	85	NE
Zinc	µg/L	23	16	10	<10	<10	5000

Table 2. Groundwater Investigation Results (continued)

	Units	MW-1	MW-2	MW-3	MW-4	MW-5	MCL
Screen Interval	ft bgs	60-80	60-80	60-80	60-80	60-80	
Depth to Water	ft	61.65	60.52	63.50	62.10	64.28	
Volatile Organic Compounds (VOCs):							
Acetone	µg/L	<5	<5	11	12	6.6	NE
Bromodichloro methane	µg/L	2.7	0.58	1.1	1.6	1	80
Bromoform	µg/L	<0.5	<0.5	<0.5	0.53	<0.5	80
Chloroform	µg/L	17	3.3	3.5	12	5.1	80
Dibromochloro methane	µg/L	1.1	0.5	0.78	0.79	0.73	80

Notes:
Bolded values indicate an exceedance of the MCL.
1 = Per the Water Quality Control Plan, Lahontan Region (Basin Plan).
µg/L =Mmicrograms per liter.
mg/L = Milligrams per liter.
MCL = Maximum contaminant level.
NA = Not applicable.
NE = MCL not established for this constituent.

Groundwater in the vicinity of the Facility is used primarily for domestic and agricultural uses. Water Board staff sampled the domestic groundwater supply well at the Facility on February 9, 2007. This well supplies potable water to four residences on the Facility property and to the cheese manufacturing plant. Private domestic wells, located south of the Facility and Community Boulevard that supply the residences to the southeast (SE) and south (S) of the Facility, were sampled on February 7, 2007, and February 14, 2008. The domestic groundwater supply well at the Facility was sampled again on December 18, 2008. Results of groundwater samples collected from the Facility domestic supply well and other domestic supply wells in the vicinity are presented in Table 3, Groundwater Quality Results, below.

Table 3 – Groundwater Quality Results

Date Sampled		2/9/2007	2/7/2007	2/14/2008	12/18/2008	
Constituent	**Units**	**Facility Domestic Supply Well Concentration[1]**	**Private Domestic Supply Well (Southeast) Concentration[1]**	**Private Domestic Supply Well (South) Concentration[1]**	**Facility Domestic Supply Well Concentration[1]**	**MCL**
Alkalinity, Total	mg/L	180	150	150	NA	NE
Ammonia - Nitrogen	mg/L	<0.1	<0.1	<0.5	<0.1	NE
Antimony	µg/L	<50	<50	<6	NA	6
Arsenic	µg/L	<5	<5	<2	NA	50
Barium	µg/L	140	80	<100	110	1,000
Beryllium	µg/L	<5	<5	<1	NA	4
Bicarbonate	mg/L	180	150	180	NA	NE
BOD	mg/L	<5	<5	<5	<3	NE
Cadmium	µg/L	<10	<10	<1	NA	5
Calcium	mg/L	120	87	59	100	NE
Carbonate	mg/L	<5	<5	<5	NA	NE
COD	mg/L	<7	<7	23	38	NE
Chloride	mg/L	120	100	76	120	250
Cobalt	µg/L	<20	<20	<10	NA	NE
Coliform, Fecal	MPN/100 mL	NA	<2	<2	<1	
Coliform, Total	MPN/100 mL	Absent	<2	<2	<1	
Chromium	µg/L	<20	<20	<10	NA	50
Copper	µg/L	<20	<20	<50	NA	1,300
Fluoride	mg/L	0.35	0.62	0.45	0.5	2
Hardness	mg/L	390	290	190	330	NE
Heterotrophic Plate Count	CFU/mL	NA	NA	NA	7.0	
Hydroxide	mg/L	<5	<5	<5	NA	NE
Iron	mg/L	<0.1	0.24	<0.1	<0.05	0.3
Lead	µg/L	<5	<5	<5	NA	15
Magnesium	mg/L	22	16	9.8	18	NE
Manganese	µg/L	<10	<10	<10	<10	50
Mercury	µg/L	<0.2	<0.2	<1	NA	2
Methylene Blue Active Substance (MBAS)	mg/L	<0.1	<0.1	<0.1	NA	500

Table 3 – Groundwater Quality Results (continued)

Date Sampled		2/9/2007	2/7/2007	2/14/2008	12/18/2008	
Constituent	**Units**	**Facility Domestic Supply Well Concentration[1]**	**Private Domestic Supply Well (Southeast) Concentration[1]**	**Private Domestic Supply Well (South) Concentration[1]**	**Facility Domestic Supply Well Concentration[1]**	**MCL**
Molybdenum	µg/L	<20	<20	<10	NA	NE
Nickel	µg/L	<20	<20	<10	NA	100
Nitrate (As N)	mg/L	6.4	3.6	0.7	1.0	10
Nitrite as N	mg/L	<0.4	<0.4	<400		1
Kjeldahl Nitrogen	mg/L	0.26	0.26	<1	<0.1	NE
Ortho Phosphate Phosphorous	mg/L	<0.15	<0.15	NA	0.065	NE
pH	units	7.04	7.26	7.6	7.3	6.5-8.5[2]
Total Phosphorous	mg/L	<0.05	0.061	0.22	0.09	NE
Potassium	mg/L	4.5	3.9	3.0	3.7	NE
Selenium	µg/L	<5	<5	<5	NA	50
Silver	µg/L	<10	<10	<10	NA	100
Sodium	mg/L	100	120	100	87	NE
Specific Conductance	µmhos/cm	**1100**	**1100**	800	**1100**	900
Sulfate	mg/L	200	210	140	200	250
Thallium	µg/L	<10	<10	<1	NA	2
Total Dissolved Solids (TDS)	mg/L	**700**	**660**	**520**	**730**	500; 1,000; 1,500
Total Suspended Solids (TSS)	mg/L	<5	<5	<2	<5	NE
Vanadium	µg/L	<20	<20	8.4	NA	NE
Zinc	mg/L	0.022	<0.020	<0.050	0.011	5.0
Semi Volatile Organic Compounds (SVOCs):						
Bis (2-ethylhexyl) phthalate	µg/L	**24**	<10	<10	NA	2
Di-n-butyl phthalate	µg/L	<10	10	<10	NA	NE

Notes: Bolded values indicate an exceedance of the State maximum contaminant level (MCL).

1 = Depths of the screen intervals are not known.
2 = Per the Water Quality Control Plan, Lahontan Region (Basin Plan).

CFU/mL = Colony forming unit per milliliter.
MCL = Maximum contaminant level.
µg/L = Micrograms per liter.
mg/L = Milligrams per liter.
µmhos/cm = Micromhos per centimeter.
MPN/100 ml = Most probably number per 100 milliliters.

18. Authorized Disposal Site

The only authorized disposal location is the Surface Impoundment. The Discharger must design a Surface Impoundment that complies with the requirements of a Class II Waste Management Unit, per CCR, title 27, section 20310.

19. Water Sources

The Facility has an on-site water well and the Discharger intends to use this water supply both for the Facility and for domestic use. The water quality sampling results from this well are presented in Table 3.

20. Water Quality Protection Standard

The Water Quality Protection Standard (WQPS) consists of constituents of concern (including monitoring parameters), concentration limits, Monitoring Points, and the Point of Compliance. The standard applies over the active life of the Surface Impoundment, closure period, and the compliance period. The constituents of concern, Monitoring Points, and Point of Compliance are described in Monitoring and Reporting Program (MRP) No. R6V-2010-**(PROPOSED)**, which is attached to and made part of this Order. This Order includes a time schedule for the Discharger to propose concentration limits (WQPS) for all constituents of concern.

21. Technical and Monitoring Reports

The Discharger must submit technical and monitoring reports in compliance with this Order as described in MRP No. R6V-2010-**(PROPOSED)**. The fact that the Discharger is discharging wastes that has affected and may continue to affect groundwater quality and is subject to waste discharge requirements issued by the Lahontan Water Board supports the requirement that the Discharger submit technical and monitoring reports in compliance with this Order.

22. Statistical Methods

Statistical analysis of monitoring data is necessary for the earliest possible detection of a measurably significant evidence of a release of waste from the Facility. CCR, title 27, section 20415, requires statistical data analyses to determine a "measurably significant" evidence of a release from the Unit. MRP No. R6V-2010-**(PROPOSED)** includes methods for statistical analyses. The monitoring parameters listed in this Order are believed to be the best indicators of a release from the Facility.

23. Land Uses

The land uses in the surrounding area are predominantly agricultural, dairy, and residential. There are several domestic and agricultural wells within 1,000 feet of the Facility. The nearest residence is located approximately 650 feet southeast of the southeastern boundary of the facility.

24. Protection From Storm Events

The Discharger must provide information to demonstrate that the Surface Impoundment is designed to contain the additional volume of water from a 1,000-year, 24-hour storm event, in addition to the maximum design volume, while maintaining two feet of freeboard, per CCR, title 27, section 20320, Table 4.1.

25. Receiving Waters

The receiving waters are the surface waters of the Middle Mojave Hydrologic Area of the Mojave Hydrologic Unit (DWR designation 628.30) and the groundwaters of the Middle Mojave River Valley Groundwater Basin (DWR designation 6-41).

26. Lahontan Basin Plan

The Water Board adopted a *Water Quality Control Plan for the Lahontan Region* (Basin Plan) which became effective on March 31, 1995. This Order implements the Basin Plan.

27. Beneficial Surface Water Uses

The present and potential designated beneficial uses of the surface waters of the Middle Mojave Hydrologic Area (DWR Unit No. 628.30) of the Mojave Hydrologic Unit as set forth and defined in the Basin Plan are:

a. (MUN) - Municipal and Domestic Supply;
b. (AGR) - Agricultural Supply;
c. (GWR) – Groundwater Recharge;
d. (POW) – Hydropower Generation;
e. (REC-1) – Water Contact Recreation;
f. (REC-2) – Noncontact Water Recreation;
g. (WARM) – Warm Freshwater Habitat;
h. (COLD) – Cold Freshwater Habitat; and
i. (WILD) – Wildlife Habitat.

28. Beneficial Groundwater Uses

The present and potential designated beneficial uses of the groundwater in the Middle Mojave River Valley Groundwater Basin (DWR designation 6-41), as set forth in the Basin Plan, are:

a. (MUN) - Municipal and Domestic Supply;
b. (AGR) - Agricultural Supply;
c. (IND) - Industrial Service Supply;
d. (FRSH) - Freshwater Replenishment; and
e. (AQUA) – Aquaculture.

29. Other Considerations and Requirements for Discharge

Pursuant to California Water Code, section 13241, the requirements of this Order take into consideration:

a. Past, present, and probable future beneficial uses of water.

This Order identifies existing groundwater quality, and past, present, and probable future beneficial uses of water, as described in finding numbers 17, 27 and 28, respectively. Provided discharge is contained pursuant to CCR, title 27, section 20250, the proposed discharge will not adversely affect present or probable future beneficial uses of groundwater.

b. Environmental characteristics of the hydrographic unit under consideration, including the quality of groundwater available thereto.

Finding number 17 describes the environmental characteristics and quality of groundwater available. The requirements of this Order will require control measures to prevent future effects on groundwater quality and may result in actual improvement to groundwater.

c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area.

The requirements of this Order, including the lining of the Surface Impoundment, are protective of groundwater quality. Potential discharges upgradient include dairies and agriculture. The Water Board will use its authority, potential enforcement actions, and these waste discharge requirements to ensure protection of water quality from the discharge. The requirements of this Order will prevent future discharges of nitrate, total dissolved solids, and volatile organic compounds (VOCs) to groundwater and, thus, will prevent further degradation of groundwater.

d. Economic considerations

Water quality objectives established in the Basin Plan for the Middle Mojave River Valley Groundwater Basin do not subject the Discharger to economic disadvantage as compared to other similar discharges in the Region. This Order will require the Discharger to submit plans compliant with the requirements of CCR, title 27, and is reasonable.

e. The need for developing housing within the region.

The Discharger is not responsible for developing housing within the region. This Order provides for capacity to collect, store, and evaporate wastewater in the Surface Impoundment.

f. The need to develop and use recycled water.

There is no identified opportunity to use recycled water for the purposes of food processing.

30. Constituents of Concern

The Constituents of Concern (COCs) consist of total and fecal coliforms, biological oxygen demand, chemical oxygen demand, nutrients (nitrogen species, phosphorus, nitrate, and potassium), total dissolved solids, total suspended solids, disinfection byproducts (volatile organic compounds and semi-volatile organic compounds), sulfate, orthophosphate, sodium, chloride, fluoride, barium, iron, manganese, zinc, calcium, magnesium, hardness, electrical conductivity, and pH.

31. Detection Monitoring Program

The Discharger must comply with the detection monitoring program (DMP) provisions of CCR, title 27, section 20420, with respect to groundwater, unsaturated zone monitoring, and in accordance with Monitoring and Reporting Program No. R6V-2010-**(PROPOSED)**. All monitoring must be conducted in accordance with a Sampling and Analysis Plan, which includes quality assurance/quality control standards, that is acceptable to the Water Board's Executive Officer.

32. Evaluation Monitoring Program

An evaluation monitoring program (EMP) may be required, pursuant to CCR, title 27, section 20425, in order to evaluate evidence of a release if detection monitoring and/or verification procedures indicate evidence of a release. If there is evidence of a release, based on the data collected, the Discharger must submit an engineering feasibility study for corrective action pursuant to CCR, title 27, section 20420, subdivision (k)(6), and must conduct a COC scan meeting CCR, title 27, subdivision (k)(1), and must submit a Report of Waste Discharge amendment, under CCR, title

27, section 20420, subdivision (k)(5), that proposes suitable revisions to MRP No. R6V-2010-**(PROPOSED)** to establish an EMP meeting CCR, title 27, section 20425, and that includes the justification for any extension beyond the 90 days allowed prior to making the submittals required under paragraphs (b), (c), and (d) of that section in response to the release.

33. Corrective Action Program

A corrective action program (CAP) to remediate released wastes from the Surface Impoundment may be required pursuant to CCR, title 27, sections 20385 and 20430, if results of an EMP prove the presence of a release from the Surface Impoundment.

34. Surface Impoundment Closure Specifications

At closure of the Surface Impoundment, all residual wastes, including liquids, sludges, precipitates, settled solids, liner materials, and adjacent natural geologic materials contaminated by wastes must be completely removed and discharged to a facility permitted to receive such wastes. If, after reasonable attempts to remove contaminated natural geologic materials, the Discharger demonstrates that removal of all remaining contamination is infeasible, the Surface Impoundment must be closed as a landfill pursuant to requirements contained in CCR, title 27, section 21400.

35. Closure of the Surface Impoundment

The Discharger has not submitted a preliminary closure plan for the Surface Impoundment. This Order requires the Discharger to submit a preliminary closure plan for the Surface Impoundment.

36. Known or Reasonably Foreseeable Release from the Surface Impoundment

The Discharger has not submitted a corrective action estimate to address a known or reasonably foreseeable release, including a workup of the total likely maximum cost of remediating a reasonably foreseeable release, pursuant to CCR, title 27, section 20390, subdivision (b). In addition, the analysis must include a proposed corrective action financial assurance mechanism (to cover the estimated corrective action cost) meeting CCR, title 27, sections 22220 through 22222 and 22225 *et seq.* This Order will require the Discharger to submit a corrective action estimate for a known or reasonably foreseeable release.

If there is measurably significant evidence of a release, the Discharger must submit an engineering feasibility study for corrective action pursuant to CCR, title 27, section 20420, subdivision (k)(6) and must conduct a COC scan meeting the requirements of CCR, title 27, section 20420, subdivision (k)(1). The Discharger must also submit an amended Report of Waste Discharge pursuant to CCR, title 27, section 20420, subdivision (k)(5), that proposes suitable revisions to the MRP to establish an EMP

meeting CCR, title 27, section 20425. If necessary, the amended Report of Waste Discharge must include the justification for any extension beyond the 90 days allowed prior to making the submittals required under CCR, title 27, section 20425, subdivisions (b), (c), and (d).

37. Financial Assurance

The Discharger has not submitted sureties for closure of the Surface Impoundment, nor for a corrective action estimate to address a known or reasonably foreseeable release from the Surface Impoundment. This Order will require the Discharger to provide adequate financial assurance for closure of the Surface Impoundment and a corrective action estimate for a known or reasonably foreseeable release from the Surface Impoundment.

38. California Environmental Quality Act

This project is subject to the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) in accordance with CCR, title 14, section 15378. The County of San Bernardino is the CEQA Lead Agency for this project under the CEQA Guidelines.

An initial study for this site was conducted in March 2010 to recognize the existing facility and to construct a Class II Surface Impoundment by the County of San Bernardino, in accordance with the provisions of CEQA. Based on the initial study, the County prepared a Mitigated Negative Declaration (State Clearinghouse Number 2010031058).

The Water Board, acting as a CEQA Responsible Agency in compliance with CCR, title 14, section 15096, subdivision (g)(2), evaluated the potentially significant impacts to water quality identified in the initial study/MND. The Water Board has determined that additional mitigation measures are necessary to prevent potentially significant water quality impacts and nuisance conditions as a result of wastewater discharge to the Surface Impoundment. Mitigation measures include designing and constructing lined facilities in accordance with CCR, title 27 for a Class II Surface Impoundment to contain the wastewater. This Order also requires a groundwater and unsaturated zone monitoring program that includes a water quality protection standard. The Water Board finds these mitigation measures, and the monitoring of the effectiveness of the mitigation measures, as specified in this Order, are adequate to reduce water quality impacts to less than significant.

39. Notification of Interested Parties

The Water Board notified the Discharger and all known interested agencies and persons of its intent to adopt WDRs for this Facility.

40. Consideration of Interested Parties

The Lahontan Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Discharger must comply with the following:

I. RECEIVING WATER LIMITATION

The Discharger shall not cause the existing water quality to be degraded. Under no circumstances shall the Discharger cause the presence of the following substances or conditions in surface waters or groundwaters of the Middle Mojave Hydrologic Area and Middle Mojave River Valley Groundwater Basin.

A. Bacteria – Waters designated as MUN, the medium concentration of coliform organisms, over any seven-day period, must be less than 1.1 MPN/100ml.

B. Chemical Constituents – Waters designated as MUN must not contain concentrations of chemical constituents in excess of the MCL or Secondary MCL (SMCL) based upon drinking water standards specified in the following provisions of CCR, title 22: Table 64431-A of Section 64431 (Inorganic Chemicals), Table 64431-B of Section 64431 (Fluoride), Table 64444-A of Section 64444 (Organic Chemicals), Table 64449-A of Section 64449 (SMCLs – Consumer Acceptance Limits), and Table 64449-B of Section 64449 (SMCLs – Consumer Acceptance Ranges). This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Waters designated as AGR must not contain concentrations of chemical constituents that adversely affect the water for beneficial uses (e.g. agricultural purposes).

Waters must not contain concentrations of chemical constituents that adversely affect the water for beneficial uses.

C. Radioactivity – Waters designated as MUN must not contain concentrations of radionuclides in excess of limits specified in CCR, title 22, section 64442, Table 64442, and section 64443, Table 64443, including future changes as the changes take effect.

D. Taste and Odors – Waters must not contain taste or odor-producing substances in concentrations that cause a nuisance or that adversely affect beneficial uses. For waters designated as MUN, at a minimum, concentrations must not exceed adopted SMCLs specified in Table 64449-A of section 64449 (SMCLs – Consumer Acceptance Limits) and Table 64449-B of section 64449 (SMCLs – Consumer Acceptance Ranges) of CCR, title 22, including future changes as the changes take effect.

E. Color – Waters must not contain color-producing substances from tracers in concentrations that cause a nuisance or that adversely affect beneficial uses.

F. Toxic Substances – Any presence of toxic substances in concentrations that individually, collectively, or cumulatively cause a detrimental physiological response in humans, plants, animals, or aquatic life is prohibited.

II. REQUIREMENTS AND PROHIBITIONS

A. General

1. Following **March 30, 2011**, no discharge must occur outside of the Surface Impoundment.

2. The discharge must not cause or threaten to cause a condition of pollution or nuisance as defined in California Water Code, section 13050.

3. There must be no discharge, bypass, or diversion of wastewater from the collection, conveyance, or disposal facilities to adjacent land areas or surface waters.

4. Surface drainage within the Surface Impoundment must be contained in the Surface Impoundment. No water contained within the Surface Impoundment is to be discharged outside the Surface Impoundment. The Discharger must maintain a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program and Reporting Requirements in accordance with State Water Resources Control Board Order No. 97-03-DWQ, and future state-wide general industrial stormwater permits.

5. All facilities used for the collection, conveyance, or disposal of waste must be adequately protected against overflow, washout, inundation, structural damage, or a significant reduction in

efficiency resulting from a storm or flood having a recurrence interval of once in 1,000 years (CCR, title 27, section 20320, Table 4.1).

6. The discharge of hazardous waste to the Surface Impoundments or generation of hazardous waste due to evaporation in the Surface Impoundments is prohibited.

7. The discharge of solid wastes, leachate, wastewater, or any other deleterious materials to the waters of the Middle Mojave Hydrologic Area and Middle Mojave River Valley Groundwater Basin is prohibited.

8. The discharge of waste, except to the authorized Surface Impoundment, is prohibited.

9. The discharge of waste, as defined in CWC, section 13050, subdivision (d), that causes a violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.

10. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.

11. The discharge must not cause any increase in the concentration of waste constituents in soil-pore gas, soil-pore liquid, soil, or other geologic materials outside of the Waste Pile or Surface Impoundments if such waste constituents could migrate to waters of the State – in either liquid or gaseous phase – and cause a condition of nuisance, degradation, contamination, or pollution.

12. Per CCR, title 27, section 20240, subdivision (c), all new surface impoundments must be designed, constructed, and operated to ensure that wastes will be a minimum of five feet above the highest anticipated elevation of underlying groundwater.

13. The integrity of the proposed Surface Impoundment must be maintained throughout the life of the Facility and must not be diminished as a result of any maintenance operation.

14. Discharge of non-hazardous solid waste, as defined in CCR, title 27, section 20220, to the Surface Impoundment is prohibited.

15. The Discharger must maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with these waste discharge requirements.

16. At closure, the Surface Impoundment must be closed in accordance with a Final Closure Plan approved by the Water Board Executive Officer.

17. The Discharger must at all times maintain adequate and viable financial assurances acceptable to the Water Board Executive Officer for costs associated with closure and corrective action for all known or reasonably foreseeable releases.

18. Wind speed and direction will be checked and logged just prior to removing solids from the Surface Impoundment or performing other activities that could generate dust that creates a nuisance as defined in California Water Code section 13050. Activities at the Facility that could generate dust that would create a nuisance must not be performed if wind speeds are in excess of 25 miles per hour.

B. Surface Impoundment

1. The Surface Impoundment freeboard, the vertical distance between the liquid surface elevation and the lowest part of the pond dike or the invert of an overflow structure, must be a minimum of two feet at all times, as specified in CCR, title 27, section 20375.

2. All lined facilities must be effectively sealed to prevent the exfiltration of liquids. For this project, "effectively sealed" facilities are Class II waste management units that are designed and constructed to meet the requirements of CCR, title 27, sections 20310, 20320, and 20330.

3. The design plan must include a requirement for UV damage prevention (treatment or replacement) for the uppermost liner.

4. Best Management Practices, good housekeeping measures, and other measures implemented, including but not limited to treating with an odor-neutralizing agent, will be implemented to minimize the release of objectionable odors. If meteorological conditions cause objectionable off-site odors, the Discharger must immediately take operational steps to mitigate the cause of such odors.

C. Leachate Collection and Removal System

A leachate collection and removal system (LCRS) is required to be constructed per CCR, title 27, section 20340.

1. The LCRS must be placed between the inner and outer liner of the Surface Impoundment.

2. The depth of the leachate in each leachate collection sump must be kept at the minimum depth needed to ensure efficient sump dewatering pump operation.

3. The LCRS must be operated to function without clogging throughout the life of the project.

4. The LCRS must be tested at least once annually to demonstrate proper operation.

5. Should any measurable daily volume of leakage above the action leakage rate be detected, the liner must be repaired.

6. Any leachate collected in the LCRS must be returned to the Surface Impoundment or disposed of properly at a Class II Waste Management Unit.

D. Detection Monitoring Program

The Discharger must maintain a DMP as required in CCR, title 27, sections 20385, subdivision (a)(1) and section 20420.

E. Evaluation Monitoring Program

The Discharger must establish an EMP whenever there is evidence of a release from the Surface Impoundment as required by CCR, title 27, section 20385, subdivision (a)(2) or (3). The Discharger must maintain the EMP as long as there is measurably significant evidence of a release from the Surface Impoundment as required in CCR, title 27, section 20425. The EMP must be utilized to delineate within 90 days of initiating an EMP the nature and extent of the release, as well as to develop, propose, and support corrective action measures to be implemented in a CAP.

F. Corrective Action Program

The Discharger must institute a CAP as required in CCR, title 27, section 20430, following completion of the EMP, in response to a measurably significant evidence of a release.

III. WATER QUALITY MONITORING AND RESPONSE PROGRAMS

A. Water Quality Protection Standard

1. The Discharger must submit a report of waste discharge to the Water Board at least 140 days before initiating discharge to the Surface Impoundment any new constituents of concern. Before a new discharge commences, the Discharger must estimate the concentration for such constituents within the wastewater stream and submit written statistical method(s) in order to detect a release of such constituents.

2. At any given time, the concentration limit for each monitoring parameter and constituent of concern must be equal to the background data set of that constituent. The background data set for each monitoring point/constituent pair should be comprised of at least eight data points, collected quarterly.

3. If the Discharger or Water Board Executive Officer determines that concentration limits were or are exceeded, the Discharger may immediately institute verification procedures upon such determination as specified below or submit an amended RWD within 90 days of such determination in order to establish an evaluation monitoring program. In the event of a release, unless the amended RWD (proposing an EMP) proposes and substantiates a longer period, the Discharger will only have 90 days, once the Water Board authorizes the initiation of the EMP, to complete the delineation, develop a suite of proposed corrective action measures, and submit a proposed corrective action program (CAP) for adoption by the Water Board.

4. Monitoring Wells and/or unsaturated zone samples must be used to obtain background data and to detect a release from the Facility.

B. Statistical Methods

1. The Discharger must use approved statistical data analysis methods to evaluate Point of Compliance data in order to determine measurably significant evidence of a release from the Surface Impoundment. Approved methods may include an intrawell statistical analysis approach. Viable methods include, but are not limited to, a parametric upper prediction limit, a gamma upper prediction limit, and a Shewhart Cumulative Sum (CUSUM) control chart, including a pass 1-of-3 retesting approach. Viable statistical methods, including the retesting approach, must include those

which can meet or beat United States Environmental Protection Agency's (U.S. EPA's) Reference Power Curve.

2. The Discharger must determine, within 45 days after completion of sampling, whether there is measurably significant evidence of a release from the Surface Impoundment at each Monitoring Point. The analysis must consider all monitoring parameters. The Executive Officer may make an independent finding that there is measurably significant evidence of a release or physical evidence of a release.

3. If there is measurably significant evidence of a release, the Discharger must immediately notify the Water Board by certified mail (see notification procedures contained in MRP No. R6V-2010-**(PROPOSED)**. Subsequently, the Discharger may immediately initiate verification procedures as specified in section III.D., "Verification Procedures," whenever there is a determination by the Discharger or Executive Officer that there is measurably significant evidence of a release.

4. If the Discharger does not use verification procedures to evaluate evidence of a release, and there is confirmation that there is measurably significant evidence of a release, then the Discharger is required to submit, within 90 days of such a confirmation, an amended RWD in order to establish evaluation monitoring (see subsection II.C, entitled "Evaluation Monitoring Program") or make a demonstration to the Water Board that there is a source other than the Surface Impoundment that caused evidence of a release (see notification procedures contained in MRP No. R6V-2010-**(PROPOSED)**, section IV.G., "Unscheduled Reports to be Filed With the Water Board").

C. Physical Evidence of a Release

The Discharger must determine whether there is physical evidence of a release from the Surface Impoundment. Physical evidence may include unexplained volumetric changes in the Surface Impoundment, unexplained stress in biological communities, unexplained changes in soil characteristics, visible signs of leachate migration, visible signs of pipeline rupture, unexplained water table mounding beneath or adjacent to the Facility, concentration of constituents of concern in soil gas, which may pose a threat to groundwater quality, or any other change to the environment that could reasonably be expected to be the result of a release from the Surface Impoundment (see notification procedures contained in MRP No. R6V-2010-(PROPOSED), section IV.G., "Unscheduled Reports to be Filed With the Water Board").

D. Verification Procedures

1. The Discharger must immediately initiate verification procedures, as specified below, whenever there is a determination by the Discharger or Executive Officer that there is evidence of a release. If the Discharger declines the opportunity to conduct verification procedures, the Discharger must submit a technical report, as described in section III.E., below, under the heading Technical Report Without Verification Procedures.

2. The verification procedure must only be performed for the constituent(s) that has shown a measurably significant evidence of a release and must be performed for those Monitoring Points at which a release is indicated.

3. The Discharger must conduct a composite retest using data from the initial sampling event with all data obtained from the resampling event, must conduct a discrete retest in which only data obtained from the resampling event must be analyzed to verify evidence of a release, or must propose a pass 1-of-3 retesting approach using quarterly samples, as an engineered alternative.

4. The Discharger must report to the Water Board, by certified mail, the results of the verification procedure, as well as all concentration data collected for use in the retest, within seven days of the last laboratory analysis.

5. If the Discharger or Executive Officer verify evidence of a release, the Discharger is required to submit a technical report pursuant to CWC, section 13267, subdivision (b), within 90 days of such a determination that there is, or was, a release. The report must propose an evaluation monitoring program (see subsection II.E., entitled "Evaluation Monitoring Program"), or make a demonstration to the Water Board that there is a source other than the Surface Impoundment that caused evidence of a release [see notification procedures contained in MRP No. R6V-2010-**(PROPOSED)**, section IV.G., "Unscheduled Reports to be Filed With the Water Board"].

E. Technical Report Without Verification Procedures

If the Discharger chooses not to initiate verification procedures after there has been a determination made for evidence of a release, a technical report must be submitted pursuant to CWC, section 13267, subdivision (b). The report must propose an evaluation monitoring program or attempt

to demonstrate that the release did not originate from the Surface Impoundment.

F. Monitoring and Reporting

1. Pursuant to CWC, section 13267, subdivision (b), the Discharger must comply with Monitoring and Reporting Program No. R6V-2010-**(PROPOSED)** as specified by the Water Board Executive Officer. The Monitoring and Reporting Program may be modified by the Water Board Executive Officer.

2. The Discharger must comply with the "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of the Monitoring and Reporting Program.

IV. PROVISIONS

A. Standard Provisions

The Discharger must comply with the "Standard Provisions for Waste Discharge Requirements," dated September 1, 1994, in Attachment C, which is made part of this Order.

B. Claim of Copyright or Other Protection

Any and all reports and other documents submitted to the Lahontan Water Board pursuant to this request will need to be copied for some or all of the following reasons: (1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, (2) any further proceedings of the Lahontan Water Board and the State Water Board, (3) any court proceeding that may involve the document, and (4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the Discharger or its contractor(s) claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Lahontan Water Board's purposes and will result in the document being returned to the Discharger as if the task had not been completed.

C. Action Leakage Rate

If leachate generation in an LCRS of the Surface Impoundment exceeds, or is equal to, the required action leakage rate (ALR) of 20 gallons/day/acre, the Discharger must immediately take steps to locate and repair leak(s) in the liner system and comply with the notice of evidence response to exceeding the ALR requirements presented in section IV.G., Unscheduled Reports to be Filed With the Water Board, of MRP No. R6V-2010-(**PROPOSED**). If repairs do not result in a leakage rate less than the required ALR, the Discharger must immediately cease the discharge of waste, including leachate, to the Surface Impoundment and notify the Water Board. The notification shall include a timetable for remedial action to repair the upper liner of the Surface Impoundment or action necessary to reduce leachate production.

D. Closure Plan

The preliminary closure plans must be updated if there is a substantial change in operations or costs for closure. By **October 30, 2011 and yearly thereafter,** as part of the required annual report, a report must be submitted to the Water Board indicating conformance with existing operations. Pursuant to CCR, title 27, section 21780, a final closure plan shall be submitted two years prior to the anticipated date of closure for any or all parts of the Facility. The final plan must be prepared by or under the supervision of either a California registered civil engineer or a certified engineering geologist.

E. Modifications to the Surface Impoundment

If the Discharger intends to expand the Facility or the capacity of the Surface Impoundments, a new Report of Waste Discharge must be filed **no later than 140 days prior** to the anticipated change, containing a detailed plan for Facility expansion. This plan must include, but is not limited to, a time schedule for studies, design, and other steps needed to provide additional capacity, and must be done in accordance with an accepted construction quality control plan.

V. TIME SCHEDULE

A. Submittal of Plans

1. Surface Impoundment Design Plans

No later than **December 30, 2010**, the Discharger must submit design plans for the Surface Impoundment in accordance with the requirements of CCR, title 27, sections 20310 and 20320, including

a leachate collection and removal system, unsaturated zone monitoring system, and monitoring well locations, to be accepted by the Water Board's Executive Officer.

2. Work Plan for Surface Impoundment Construction

No later than **December 30, 2010**, the Discharger must submit a work plan to construct the Surface Impoundment, leachate collection and removal system, unsaturated zone monitoring system, and monitoring wells, to be accepted by the Water Board's Executive Officer.

3. Monitoring and Reporting Plan and Sampling and Analysis Plan

No later than **January 30, 2011**, the Discharger must submit a Monitoring and Reporting Plan and a Sampling and Analysis Plan, to be accepted by the Water Board's Executive Officer, including procedures for sampling the Surface Impoundments, the leachate collection and removal system, and the monitoring wells.

4. Detection Monitoring Plan

No later than **January 30, 2011**, the Discharger must submit a Detection Monitoring Plan, to be accepted by the Water Board's Executive Officer, proposing Monitoring Parameters and procedures for responding to a release, per CCR, title 27, section 20420.

5. Closure Plan and Cost Estimate

No later than **January 30, 2011**, the Discharger must submit a closure plan, to be accepted by the Water Board's Executive Officer, indicating procedures for clean closure of the Surface Impoundment, pursuant to CCR, title 27, section 21400, as well as detailed cost estimates for closure, per CCR, title 27, section 21090.

B. Known or Reasonably Foreseeable Release Plan and Financial Assurance Instrument

By **January 30, 2011**, the Discharger must submit a plan for addressing a known or reasonably foreseeable release from the Surface Impoundment in accordance with the requirements in CCR, title 27, sections 20380, subdivision (b) and 22222. The known or reasonably foreseeable release plan must include a cost estimate to implement the plan and a proposed financial assurance instrument meeting CCR, title 27, sections 22220 to

22222 and 22225 *et seq.* to be acceptable by the Executive Officer. The known or reasonably foreseeable release plan and cost estimate to implement the plan must be prepared by, or under the supervision of, a California registered professional geologist or a California registered professional engineer.

C. Financial Assurance Documents

By **January 30, 2011, and yearly thereafter** with the annual report, the Discharger must submit Instruments of Financial Assurance acceptable to the Water Board Executive Officer and adequate to cover the costs of closure and a reasonably foreseeable release from the Facility. An increase may be necessary due to inflation, a change in regulatory requirements, a change in the approved closure plan, or other unforeseen events.

D. Completion of Construction

1. The Surface Impoundment and associated monitoring systems must be installed, per the accepted plans, no later than **March 30, 2011**.

2. No later than **April 30, 2011**, the Discharger must submit a technical report discussing the installation of the monitoring system. The report shall summarize all work activities associated with the installation of the monitoring system. The report must be certified by a registered civil engineer or a registered professional geologist. It must contain sufficient information to verify that construction was in accordance with State and/or County well standards.

E. Final Construction Quality Assurance Report

Following the completion of construction of the lined Surface Impoundment, the final documentation required in CCR, title 27, section 20324, subdivision (d)(1)(C), must be submitted to the Water Board for review and acceptance. This report must be submitted to the Water Board **by April 30, 2011** after completion of construction activities. The report must be certified by a registered civil engineer or a certified engineering geologist. It must contain sufficient information and test results to verify that construction was in accordance with the design plans and specifications and with the prescriptive standards and performance goals of CCR, title 27.

F. Water Quality Protection Standard

No later than **April 30, 2013**, the Discharger must propose for acceptance by the Water Board staff a list of monitoring parameters and constituents of concern for the aquifer, including a data analysis method, and a Water Quality Protection Standard, which includes concentration limits that define background water quality for all constituents of concern and for each Point of Compliance. The report must be certified by a registered civil engineer or a registered professional geologist.

The table below is a summary of all plans to be submitted:

Plan	Due Date
Design Plan for Surface Impoundment	December 30, 2010
Work Plan for Surface Impoundment Construction	December 30, 2010
Monitoring and Reporting Plan	January 30, 2011
Sampling and Analysis Plan	January 30, 2011
Detection Monitoring Plan	January 30, 2011
Closure Plan and Cost Estimate	January 30, 2011
Known or Reasonably Foreseeable Release Plan and Financial Assurance Instrument	January 30, 2011
Monitoring System Installation Report	April 30, 2011
Final Construction Quality Assurance Report	April 30, 2011
Water Quality Protection Standard	April 30, 2013

I, HAROLD J. SINGER, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Board, Lahontan Region, on May 12, 2010.

_____

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. General Location Map
B. Plot Plan
C. Standard Provisions for Waste Discharge Requirements

ATTACHMENT A

GREEN VALLEY FOODS
CHEESE PROCESSING FACILITY
San Bernardino County

ATTACHMENT A
Location Map

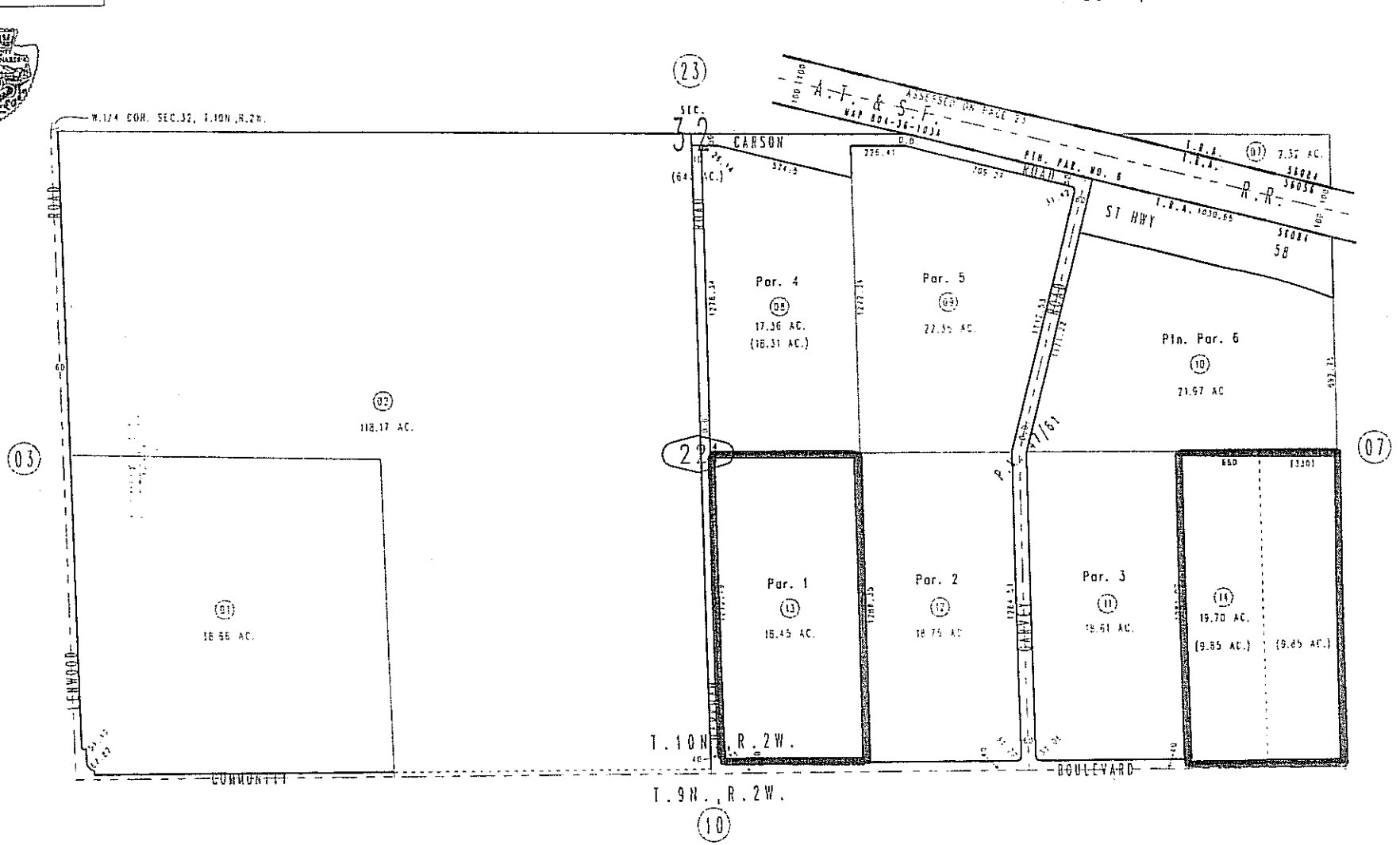
BOARD ORDER NO.
R6V-2010-(PROPOSED)
WDID NO. 6B360704003

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

S.1/2 Sec.32, T.10N.,R.2W., S.B.B.&M.

Barstow Unified
Tax Rate Area
56056,56084

0497 - 22



1"=400'

REVISED
08/27/07 RM

Assessor's Map
Book 0497 Page 22
San Bernardino County

February 2004

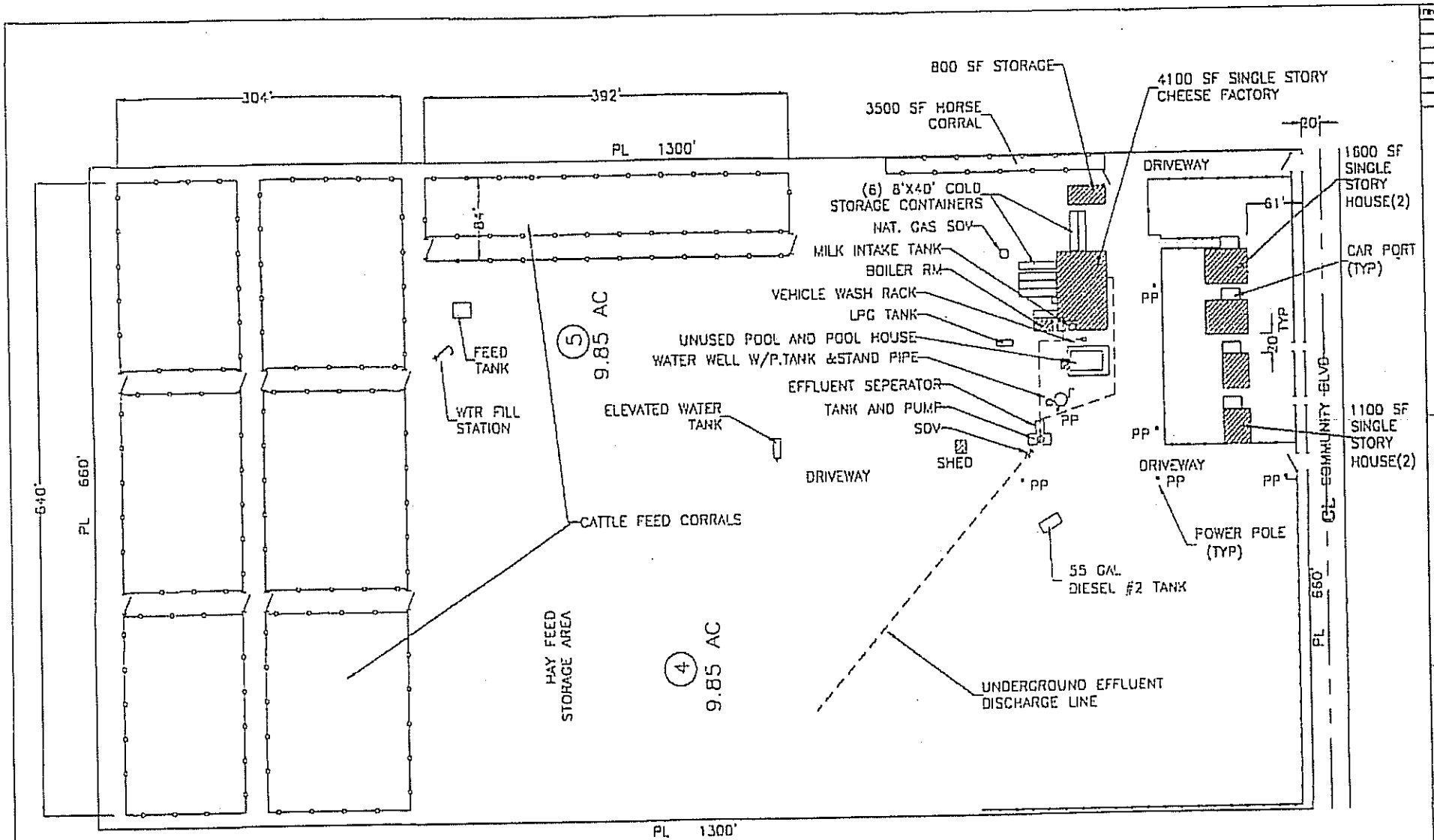
Parcel Map No. 4977, P.M. 47/61

ATTACHMENT B

GREEN VALLEY FOODS
CHEESE PROCESSING FACILITY
San Bernardino County

ATTACHMENT B
Plot Plan

BOARD ORDER NO.
R6V-2010-(PROPOSED)
WDID NO. 6B360704003



SITE DATA:

APN: 0497-221-04-0000
0497-221-05-0000

SITE LOCATION:
SEC. 33 T.10N. R.2W.
SAN BERNARDINO, COUNTY.

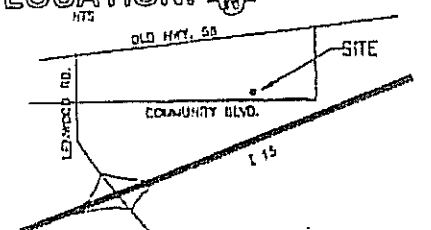
ADDRESS: 25650 AND 25684 COMMUNITY BLVD.
BARSTOW, CAL. 92311

AREA OF SITE: 10.7 AC

PLOT PLAN

SCALE: 1"=100'

LOCATION:



PLOT PLAN

PREPARED BY:
ADDRESS:
P.O. BOX 516
BARSTOW, CAL. 92312

OWNER: HECTOR HUERTA
GREEN VALLEY FOODS
ADDRESS:
25650 AND 25684 COMMUNITY BLVD.
BARSTOW, CAL. 92311

date: 3/5/09
scale: 1"=100'
drawn: JD
job: HUERTA
sheet 1 of 5

ATTACHMENT C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

STANDARD PROVISIONS
FOR WASTE DISCHARGE REQUIREMENTS

1. Inspection and Entry

The Discharger shall permit Regional Board staff:

a. to enter upon premises in which an effluent source is located or in which any required records are kept;

b. to copy any records relating to the discharge or relating to compliance with the Waste Discharge Requirements (WDRs);

c. to inspect monitoring equipment or records; and

d. to sample any discharge.

2. Reporting Requirements

a. Pursuant to California Water Code 13267(b), the Discharger shall immediately notify the Regional Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance.

b. Pursuant to California Water Code Section 13260 (c), any proposed material change in the character of the waste, manner or method of treatment or disposal, increase of discharge, or location of discharge, shall be reported to the Regional Board at least 120 days in advance of implementation of any such proposal. This shall include, but not be limited to, all significant soil disturbances.

c. The Owners/Discharger of property subject to WDRs shall be considered to have a continuing responsibility for ensuring compliance with applicable WDRs in the operations or use of the owned property. Pursuant to California Water Code Section 13260(c), any change in the ownership and/or operation of property subject to the WDRs shall be reported to the Regional Board. Notification of applicable WDRs shall be furnished in writing to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board.

d. If a Discharger becomes aware that any information submitted to the Regional Board is incorrect, the Discharger shall immediately notify the Regional Board, in writing, and correct that information.

e. Reports required by the WDRs, and other information requested by the Regional Board, must be signed by a duly authorized representative of the Discharger. Under Section 13268 of the California Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars ($1,000) for each day of violation.

f. If the Discharger becomes aware that their WDRs (or permit) are no longer needed (because the project will not be built or the discharge will cease) the Discharger shall notify the Regional Board in writing and request that their WDRs (or permit) be rescinded.

3. Right to Revise WDRs

The Regional Board reserves the privilege of changing all or any portion of the WDRs upon legal notice to and after opportunity to be heard is given to all concerned parties.

4. Duty to Comply

Failure to comply with the WDRs may constitute a violation of the California Water Code and is grounds for enforcement action or for permit termination, revocation and re-issuance, or modification.

5. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of the WDRs which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with the WDRs. Proper operation and maintenance includes adequate laboratory control, where appropriate, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Discharger, when necessary to achieve compliance with the conditions of the WDRs.

7. Waste Discharge Requirement Actions

The WDRs may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for waste discharge requirement modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any of the WDRs conditions.

8. Property Rights

The WDRs do not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

9. Enforcement

The California Water Code provides for civil liability and criminal penalties for violations or threatened violations of the WDRs including imposition of civil liability or referral to the Attorney General.

10. Availability

A copy of the WDRs shall be kept and maintained by the Discharger and be available at all times to operating personnel.

11. Severability

Provisions of the WDRs are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.

12. Public Access

General public access shall be effectively excluded from treatment and disposal facilities.

13. Transfers

Providing there is no material change in the operation of the facility, this Order may be transferred to a new owner or operation. The owner/operator must request the transfer in writing and receive written approval from the Regional Board's Executive Officer.

14. Definitions

a. "Surface waters" as used in this Order, include, but are not limited to, live streams, either perennial or ephemeral, which flow in natural or artificial water courses and natural lakes and artificial impoundments of waters. "Surface waters" does not include artificial water courses or impoundments used exclusively for wastewater disposal.

b. "Ground waters" as used in this Order, include, but are not limited to, all subsurface waters being above atmospheric pressure and the capillary fringe of these waters.

15. Storm Protection

All facilities used for collection, transport, treatment, storage, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MONITORING AND REPORTING PROGRAM NO. R6V-2010-(PROPOSED)
WDID NO. 6B360704003

FOR
GREEN VALLEY FOODS CHEESE PROCESSING FACILITY,
CLASS II SURFACE IMPOUNDMENT

San Bernardino County

I. WATER QUALITY PROTECTION STANDARD

A Water Quality Protection Standard (WQPS) is required by California Code of Regulations (CCR), title 27, to assure the earliest possible detection of a release from the Surface Impoundment to the underlying soil, surface water, and/or groundwater. The WQPS shall consist of all constituents of concern, the concentration limit for each constituent of concern, the point of compliance, and all water quality monitoring points.

The Water Board Executive Officer shall review and approve the WQPS, or any modification thereto, for each monitored medium.

The WQPS shall:

a. Identify all distinct bodies of groundwater that could be affected in the event of a release from the Surface impoundment. This list shall include all groundwater bearing zones.

b. Include a map showing the monitoring points and background monitoring points for the detection monitoring program. The map shall show the surface trace of the Surface Impoundment's point of compliance (along the downgradient boundary of the Unit), in accordance with CCR, title 27, section 20405.

c. Evaluate the perennial direction(s) of groundwater movement within the groundwater bearing zones.

If subsequent sampling of the background monitoring point(s) indicates significant water quality changes due to either seasonal fluctuations or other reasons unrelated to waste management activities at the site, the Discharger may request modification of the WQPS concentration limits to provide season-specific concentration limits (background data sets) for each constituent of concern at each monitoring point.

II. MONITORING

The Discharger must comply with the Detection Monitoring Program (DMP) monitoring provisions contained in California Code of Regulations (CCR), title 27, sections 20385 through 20430. The Discharger must also monitor the wastewater flow, wastewater effluent quality, the Surface Impoundment wastewater, and the Surface Impoundment. In addition to satisfying the monitoring requirements of CCR, title 27, the Discharger must also perform the following monitoring:

A. Wastewater Flow Monitoring

The Discharger must measure and record the following:

1. The volume of flow, in gallons per day of wastewater flow to the Surface Impoundment;

2. The maximum daily flow rate in gallons per day to the Surface Impoundment; and,

3. The cumulative total of wastewater flow to the Surface Impoundment, in gallons per month; and

4. Yearly, calibrate the wastewater flow meters.

B. Wastewater Monitoring

All wastewater samples collected under this Monitoring and Reporting Program (MRP) must be analyzed to determine the concentrations of parameters described in Table 1, Attachment A, which is made part of this MRP. All samples, with the exception of field parameters, are to be analyzed by a California state-certified laboratory.

Quarterly, the Discharger must collect a liquid composite grab sample of wastewater from within the Surface Impoundment. A minimum of three grab samples from the Surface Impoundment must be collected from at a depth of one foot, opposite the inlet, in a quiescent surface area and composited into one sample by the laboratory. The samples must be analyzed to determine the concentrations of parameters described in Table 1 (Attachment A). Data must be collected in accordance with the accepted discharge plan for waste discharged to the Surface Impoundment.

C. Surface Impoundment Monitoring

1. Dikes and Liners

a. Weekly, the integrity of the Surface Impoundment dikes and liners must be inspected. Should the inspection indicate that any unauthorized discharge has occurred, or may occur, the Water Board must be notified within 24 hours, followed by confirmation in writing.

b. Weekly, measure and record the freeboard, as measured from the top of the lowest part of the dike to the wastewater surface in the Surface Impoundment. If the Surface Impoundment is dry, indicate that it is dry in the monitoring report.

2. Odor Monitoring

Daily, the Discharger must inspect the Surface Impoundment for nuisance odors and document these inspections. Documentation shall include a description of any odors detected. Odor control measures such as the addition of any chemicals to control odors must be documented daily in a permanent log book kept on site.

3. Leachate Collection and Recovery System

The Discharger must conduct the following inspections and testing of the leachate collection and recovery system (LCRS):

a. Weekly, visual inspections for liquid in the leakage detection sumps must be conducted. The results of these inspections must be recorded in a permanent log book kept onsite.

i. Any volume of liquid pumped out of the leakage detection sumps must be recorded along with date, time, and discharge location, in a permanent log book kept onsite.

ii. Upon detection of leachate in a previously dry LCRS (defined here as an event), the Discharger shall immediately collect a grab sample of the leachate and shall sample and analyze the grab samples of the leachate for the monitoring parameters and at the frequencies identified in Table 1 (Attachment A).

b. If liquid is detected in a collection sump in a volume that exceeds the action leakage rate (20 gallons per acre per day), the Water Board must be notified within 24 hours and a sample must be collected and analyzed for the constituents of concern, and at the frequencies identified, as specified for groundwater monitoring in Table 1 (Attachment A).

c. Annually, each LCRS shall be tested to demonstrate proper operation. The results of the testing shall be submitted in the annual monitoring reports. The annual report shall include a description of the method used to test each LCRS.

4. Sludge Monitoring

Annually, in the last quarter of each year, two (2) representative grab samples of the bottom sludge of the Surface Impoundment, if present, must be collected, and analyzed for the following constituents:

Parameter	**Units**	**Method**
Title 22 metals	mg/L	CCR, title 22, section 66261.24, subdivision (a)(2)(A), Table II, list of inorganic persistent and bioaccumulative toxic substances and their soluble threshold limit concentration (STLC) and total threshold limit concentration (TTLC) values.

5. Dust Control

During solids removal activities and Surface Impoundment construction activities, the air must be monitored. Any activities that generate dust that creates a nuisance must cease when wind speeds exceed 25 miles per hour.

D. Detection Monitoring

Monitoring of the groundwater and unsaturated zone must be conducted in accordance with the Detection Monitoring Program (DMP) to provide the best assurance of the early detection of any new releases from the Surface Impoundment. A Monitoring and Reporting Plan and Sampling and Analysis Plan must be submitted 60 days prior to the installation of unsaturated zone monitoring probes and groundwater monitoring wells. No discharge may occur prior to the Water Board Executive Officer's

acceptance of these plans. All samples, with the exception of field parameters, are to be analyzed by a California state-certified laboratory. Monitoring must be completed as follows:

1. Unsaturated Zone Monitoring

Quarterly, the Discharger must monitor the unsaturated zone beneath the Surface Impoundment, and all soil-pore liquid samples collected under this MRP must be analyzed to determine the concentrations of parameters described in Table 1 (Attachment A). If moisture content is detected above 30 percent by volume, field verification testing must be performed, and the Discharger must notify the Water Board and report physical evidence of a release (see notification procedures in Section IV.G., "Unscheduled Reports to be Filed With the Water Board").

a. Monitoring Points

The unsaturated zone monitoring program will consist of a system of probes to adequately monitor the vadose zone beneath the Surface Impoundment. A work plan to install the unsaturated zone monitoring probes must be submitted for acceptance by the Water Board Executive Officer by **December 30, 2010.**

b. Monitoring Parameters and Constituents of Concern

The monitoring parameters and constituents of concern (COCs) for unsaturated zone monitoring are those listed in this MRP, Table 1 (Attachment A).

c. Concentration Limits

The concentration limits for all man-made constituents in soil-pore liquids shall be the method detection limit. The Discharger must, as part of the WQPS, establish concentration limits that define background concentrations for all monitoring parameters and constituents of concern.

d. Calibration Documentation

Annually, the Discharger must submit documentation of instrument calibration and performance checks. Performance checks must be a comparison of quarterly results of the unsaturated zone monitoring network testing

with earlier tests made under comparable conditions to verify proper operation of equipment.

2. Groundwater Monitoring

a. Monitoring Points

The Point of Compliance, as defined in CCR, title 27, section 20405, subdivision (a), is "a vertical surface located at the hydraulically downgradient limit of the Unit that extends through the uppermost aquifer underlying the Unit." Groundwater monitoring wells must be installed at monitoring points upgradient of the Surface Impoundment and along the Point of Compliance as part of the DMP. The groundwater monitoring program will consist of a system of wells to adequately monitor groundwater beneath the Facility, per CCR, title 27, section 20415. A workplan to install the background and Point of Compliance groundwater monitoring wells must be submitted for acceptance by the Executive Officer by **December 30, 2010**.

b. Monitoring Parameters

Groundwater samples must be collected from each groundwater monitoring well installed as part of the DMP and submitted for laboratory analyses quarterly for the monitoring parameters total and fecal coliform, iron, nitrate/nitrite as nitrogen, total dissolved solids (TDS), pH, and volatile organic compounds, as specified in Table 1 (Attachment A).

c. Constituents of Concern

Groundwater samples must be collected and submitted for laboratory analyses at all monitoring points once every five years for all monitoring parameters and COCs listed in Appendix I and II of 40 CFR, Part 258.

d. Concentration Limits

The Discharger needs to collect background water quality data for the monitoring parameters and constituents of concern listed in Table 1 (Attachment A). These data must be reported to the Water Board Executive Officer by **April 30, 2013,** in the required WQPS. The Discharger must

collect at least eight quarters of groundwater quality data to determine background concentration limits for the monitoring parameters and constituents of concern. The Discharger must submit a complete water quality protection standard, which includes concentration limits that define background water quality for all monitoring parameters and constituents of concern, and the Point of Compliance monitoring points.

For any constituent that is naturally occurring at this site, its concentration limit at a given monitoring point is the average of the suite of at least eight background monitoring points collected pursuant to this subsection.

The concentration limits for each man-made organic constituent that is not proven to have originated from a source other than the Facility is the laboratory detection limit for that constituent.

e. Depth to Groundwater

Quarterly, prior to sampling and purging, the Discharger must measure and record the depth below the ground surface and elevation above mean sea level of the static groundwater surface in the groundwater monitoring wells. The Discharger shall use these measurements, which shall be accurate to the nearest 0.01 foot, to determine and prepare a groundwater surface map and groundwater flow direction, pursuant to section II.D.2.g., "Aquifer Characteristics."

f. Groundwater Purging

Quarterly, the Discharger must collect samples from each groundwater monitoring well. The wells must be purged of at least three well volumes until the temperature, electrical conductivity, and the pH of extracted well water have stabilized to within +/- five (5) percent. Samples must be collected and analyzed using U.S. EPA methods. The samples must be analyzed to determine the concentrations of parameters described in Table 1 (Attachment A). Groundwater must also be measured for:

i. Electrical conductivity (Ec) (in micromhos per centimeter [umhos/cm] units),

ii. pH (in pH units),

iii. Temperature (in either degrees Fahrenheit or degrees Centigrade), and

iv. Turbidity (in nephelometric turbidity units [NTUs]).

g. Aquifer Characteristics

Quarterly, the Discharger must calculate, record, and report the groundwater gradient, the direction of the gradient, and the velocity of groundwater flow. Quarterly, the groundwater potentiometric surface must be illustrated on an 8.5" x 11" or an 11" x 17" copy of a site plan, showing the locations of the Facility, Surface Impoundment, the point of compliance, and monitoring wells, as well as the parameters listed below in the Table – Aquifer Characteristics.

Table – Aquifer Characteristics

Parameter	Units
Depth to Groundwater	Feet below ground surface
Static Water Level	Feet above mean sea level
Slope of Groundwater Gradient	Feet/Feet
Direction of Groundwater Gradient	Degrees from True North
Velocity of Groundwater Flow	Feet/Year

h. Quarterly, the Discharger must graph time-series plots of the analytical results from the unsaturated zone monitoring and groundwater monitoring at each monitoring point to show any trends in constituent concentrations through time. Time-series plots must also include, as horizontal lines, the constituents' maximum contaminant level (MCL) (if an MCL has been established), and the WQPS concentration limit.

i. Annually, sampling and monitoring data collected in association with any monitoring wells constructed for groundwater monitoring of the Surface Impoundment must be reported in the annual report in tabular and graphical form. Each table must summarize the historical and most recently detected constituent concentrations for all wells sampled, and compare these data to both the WQPS and the Maximum Contaminant Level (MCL) established for each monitoring parameter/COC. Each such graph must be plotted using raw data, and at a scale appropriate to show

trends or variations in water quality. For graphs showing the trends of similar constituents, the scale must be the same.

E. Operation and Maintenance

A brief summary of any operational problems and maintenance activities must be submitted to the Water Board with each monitoring report for Green Valley Foods operations. This summary must discuss:

1. Any modifications, additions, or major maintenance to the wastewater conveyance system, odor treatment, or disposal facilities.

2. Any major problems occurring in the wastewater conveyance system, odor treatment, or disposal facilities.

3. The calibration of any wastewater flow measuring devices.

III. DATA ANALYSIS

All data analyses methods (statistical and non-statistical) must meet the requirements of the California Code of Regulations, title 27, sections 20415, subdivisions (e)(8) and (9).

A. Statistical Data Analysis Method

In order to determine if any new releases have occurred from the Surface Impoundment, evaluation of data will be conducted using statistical methods. The Discharger must propose, in the Water Quality Protection Standard, the statistical test to use for comparing detection monitoring well groundwater data to background monitoring well groundwater data.

B. Non-statistical Data Analysis Method

In order to determine if any new releases have occurred from the Surface Impoundment, evaluation of data will be conducted using non-statistical methods. Non-statistical analysis shall be as follows:

1. Physical Evidence

Physical evidence can include vegetation loss, soil discoloration, or groundwater mounding. Each quarterly report shall comment on these physical elements.

2. Time-Series Plots

Quarterly, the Discharger shall graph time-series plots of the historical and most recent analytical results from the unsaturated zone monitoring and groundwater monitoring to show any trends in constituent concentrations through time. Time series plots must include applicable MCL or WQPS established for each respective constituent.

IV. REPORTING REQUIREMENTS

The Discharger must comply with the following reporting requirements:

A. General Provisions

The Discharger must comply with Attachment B, "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made a part of this MRP.

B. Violations

If monitoring data indicate violation of WDRs, the Discharger must provide information indicating the cause of violation(s) and action taken or planned to bring the discharge into compliance.

C. Failure to Furnish Reports

Any person failing or refusing to furnish technical or monitoring reports or falsifying any information provided therein is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars ($1,000) for each day of violation under section 13268 of the California Water Code.

D. Quarterly Reports

Monitoring reports, including the preceding information, must be submitted to the Water Board on the **30th day of the month following each quarter**, per the following schedule:

Sampling and Reporting Frequency	Quarterly Period	Report Date Due
Quarterly	January 1 – March 31	**April 30**
Quarterly	April 1 – June 30	**July 30**
Quarterly	July 1 – September 30	**October 30**
Quarterly	October 1 – December 31	**January 30**

Each quarterly report must include the following:

1. Results of sampling and laboratory analyses for each groundwater and unsaturated zone monitoring point, including statistical limits for each monitoring parameter and an identification of each sample that exceeds its respective statistical limit at any given monitoring point;

2. A description and graphical presentation of the velocity and direction of groundwater flow under/around the Surface Impoundment, based upon water-level elevations taken during the collection of the water quality data submitted in the report;

3. A map and/or aerial photograph showing the locations of observation stations, monitoring points, and background monitoring points, and the Point of Compliance along the downgradient boundary of the Facility;

4. The Surface Impoundment monitoring, flow monitoring, effluent monitoring, and an evaluation of the effectiveness of the leachate monitoring and control facilities, and the runoff/runon control facilities;

5. Data collected in accordance with the approved Monitoring and Reporting Plan and Sampling and Analysis Plan for unsaturated zone monitoring probes and groundwater monitoring wells;

6. A description of any odor problems detected and any odor mitigation measures implemented to control odors in the Surface Impoundment, including any chemical additives by name and volume of chemical added.

7. A letter transmitting the essential points of each report must accompany each report. The letter must include a discussion of any violations found since the last report was submitted and must describe actions taken or planned for correcting those violations; and,

8. If the Discharger has previously submitted a detailed time schedule for correcting violations, a reference to the correspondence transmitting this schedule will be satisfactory. If no violations have occurred since the last submittal, this must be stated in the letter of transmittal.

E. Annual Monitoring Report

Annual Monitoring Reports must be submitted to the Water Board no later than **April 30** of each year. The annual report can be combined with the monitoring report for the last reporting period of that year. If so, the report must include (for the last reporting period) the information under Section IV.D. and the following information:

1. Results of groundwater sampling analysis of the COCs, including statistical limits for each groundwater monitoring point;

2. Time series data plots of the past three years of groundwater, soil gas, and soil moisture analysis. Time-series plots must also include appropriate MCL or WQPS established for each respective constituent;

3. A map showing the groundwater elevation isocontours and monitoring points.

4. Graphical and tabular data for the monitoring data obtained for the previous calendar year (January – December). Each table must summarize the historical and most recent detected constituents concentrations for all wells sampled, and compare these data to both the WQPS and MCL established for each monitoring parameter/COC. Each such graph must be plotted using raw data, and at a scale appropriate to show trends or variations in water quality. For graphs showing trends of similar constituents, the scale must be the same.

5. Calibration methods and any flow discrepancies of the wastewater flow meters after calibration is performed. Copies of calibration worksheets or other such documentation that calibration of wastewater flow meters was performed must be provided.

6. The compliance record and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the discharge requirements.

7. Evidence that adequate financial assurance for closure and corrective action for all known or reasonably foreseeable releases is still in effect. Evidence may include a copy of the renewed financial instrument or a copy of the receipt for payment of the financial instrument. Evidence of adequate financial assurance must be signed by the Corporate Officer.

8. Evidence that the financial assurance amount is adequate or increase the amount of financial assurance by an appropriate amount if necessary, due to inflation, a change in the approved closure plan, or other unforeseen events.

9. The Discharger must review the preliminary closure plan, post-closure maintenance plan, and corrective action plan for all known or reasonably foreseeable releases annually to determine if significant changes in the operation of the Facility warrant an update to any of these plans. Changes to these plans must be submitted to the Water Board in the annual report.

F. Five-Year Constituent of Concern Monitoring Program

Pursuant to CCR, title 27, section 20420, subdivision (g), every five years the Discharger must sample for COCs with successive direct monitoring efforts being carried out alternatively during January 1 through June 30 of one five-year sampling event and July 1 through December 31 of the next five-year sampling event, and every fifth year, thereafter. The first five-year COC sampling event must take place during the first **January 1 through June 30 period of discharge to the Surface Impoundments** and reported no later than 45 days following the monitoring period.

G. Unscheduled Reports to be Filed With the Water Board

The following reports must be submitted to the Water Board as specified below:

1. Release from the Surface Impoundment

The Discharger must perform the procedures contained in this subsection whenever there is evidence of a release from the Surface Impoundment.

a. Physical or Measurably Significant Evidence of a Release from the Surface Impoundment

The Discharger must immediately notify the Water Board verbally whenever a determination is made that there is physical or measurably significant evidence of a release from the Surface Impoundment. This verbal notification must be followed by written notification via certified mail within seven days of such determination. Upon such notification, the Discharger may initiate verification procedures or demonstrate that another source other than

the Surface Impoundment caused evidence of a release (see below).

The notification must include the following information:

i. Surface Impoundment that may have released or be releasing;

ii. General information including the date, time, location, and cause of the release;

iii. An estimate of the flow rate and volume of waste involved;

iv. A procedure for collecting samples and description of laboratory tests to be conducted;

v. Identification of any water bearing media affected or threatened;

vi. A summary of proposed actions; and

vii. For a measurably significant evidence of a release – the monitoring parameters and/or COCs that are involved in the measurably significant evidence of a release from the Surface Impoundment; or

viii. For physical evidence of a release – physical factors that indicate physical evidence of a release.

b. Other Source That May Cause Evidence of a Release From the Surface Impoundment

The Discharger may make a demonstration that a source other than the Surface Impoundment caused evidence of a release. For this case, the Discharger must notify the Water Board of the intention to make this demonstration. The notification must be sent to the Water Board by certified mail within seven days of determining physical or measurably significant evidence of a release.

2. Exceeding the Action Leakage Rate

Exceeding the Action Leakage Rate in Section IV.C of this Board Order is an Adverse Condition. The Discharger must immediately

notify the Water Board verbally within 24 hours whenever a determination is made that leakage into the LCRS exceeds the Action Leakage Rate (20 gallons per acre per day). This verbal notification must be followed by written notification via certified mail within 7 days of such determination. This written notification must be followed by a technical report via certified mail within 30 days of such determination. The technical report must describe the actions taken to abate the Adverse Condition and must describe any proposed future actions to abate the Adverse Condition.

3. Evaluation Monitoring

The Discharger must, within 90 days of verifying a release, submit a technical report pursuant to California Water Code (CWC) section 13267, subdivision (b), proposing an Evaluation Monitoring Program (EMP). If the Discharger decides not to conduct verification procedures, or decides not to make a demonstration that a source other than the Surface Impoundment is responsible for the release, the release will be considered verified.

The Discharger must, within 90 days of determining a "measurably significant" evidence of a release, submit to the Water Board an amended report of waste discharge to establish an evaluation monitoring program meeting the provisions of CCR, title 27, section 20420, subdivision (k)(5) and section 20425. The report must include the following information:

a. COC Concentrations – the maximum concentration of each COC at each Monitoring Point as determined during the most recent COC sampling event [i.e., under CCR, title 27, section 20420, subdivision (g) or (k)(1)]. Any COC that exceeds its background limit is to be retested at that monitoring point. Should the results of the retest verify that the COC is above the background limit, then that COC will then become a monitoring parameter at all monitoring points;

b. Proposed Monitoring System Changes – any proposed changes to the water quality monitoring systems at the Surface Impoundment necessary to meet the provisions of CCR, title 27, section 20425;

c. Proposed Monitoring Changes – any proposed additions or changes to the monitoring frequency, sampling and analytical procedures or methods, or statistical methods

used at the Facility necessary to meet the provisions of CCR, title 27, section 20425; and

d. Proposed Delineation Approach – a detailed description of the measures to be taken by the Discharger to assess the nature and extent of the release from the Surface Impoundment.

4. Engineering Feasibility Study Report

The Discharger must, within 180 days of verifying any release, submit a Technical Report discussing conclusions and recommendations from the DMP and the EMP. The report must include an Engineering Feasibility Study along with a proposed corrective action program (CAP) [CCR, title 27, section 20420, subdivision (k)(6)].

H. Technical Reports

Pursuant to California Water Code, section 13267, subdivision (b):

1. By **April 30, 2011**, the Discharger must submit a technical report discussing the installation of the monitoring system. The report shall summarize all work activities associated with the installation of the monitoring system. The report must be certified by a registered civil engineer or a registered professional geologist. It must contain sufficient information to verify that construction was in accordance with State and/or County well standards.

The California Department of Water Resources (DWR) has established standards for the construction and destruction of groundwater wells, as described in *California Well Standards, Bulletin 74-90* (June 1991) and *Water Well Standards: State of California Bulletin 74-81* (December 1981). These standards, and any more stringent standards adopted by the state or county, pursuant to CWC, section 13801, apply to all monitoring wells.

2. By **April 30, 2013**, the Discharger must submit for acceptance by the Water Board Executive Officer a proposed data analysis method and a Water Quality Protection Standard with proposed constituent concentration limits established from collection of at least eight data points from an appropriate background data source for each monitoring parameter and COC and at each monitoring point in each monitored medium. The report must be certified by a registered civil engineer or a registered professional geologist.

Ordered by: _____ Dated: **May 12, 2010**

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. Table 1, Monitoring Parameters and Constituents of Concern
B. General Provisions for Monitoring and Reporting, September 1, 1994

BB/rp BO2010/GreenValleyFoods/Proposed/R6V-2010-pro MRP GVF

ATTACHMENT A

Table 1
Monitoring Parameters and Constituents of Concern

Parameter	Units	Monitoring and Reporting Frequency
Constituents of Concern		
Coliform, Fecal	MPN/100 ml	Quarterly
Coliform, Total	MPN/100 ml	Quarterly
Iron	mg/L	Quarterly
Nitrate/Nitrite as Nitrogen	mg/L	Quarterly
Total Dissolved Solids (TDS)	mg/L	Quarterly
Volatile Organic Compounds (VOCs)	ug/L	Quarterly
Monitoring Parameters		
Ammonia as Nitrogen	mg/L	Annually
Arsenic	mg/L	Annually
Barium	mg/L	Annually
Bicarbonate	mg/L	Annually
Biochemical Oxygen Demand (BOD)	mg/L	Annually
Boron	mg/L	Annually
Cadmium	mg/L	Annually
Calcium	mg/L	Annually
Carbonate	mg/L	Annually
Chemical Oxygen Demand (COD)	mg/L	Annually
Chloride	mg/L	Annually
Chromium, Total	mg/L	Annually
Copper	mg/L	Annually
Fluoride	mg/L	Annually
Hardness as CaCO3	mg/L	Annually
Kjeldahl Nitrogen, Total	mg/L	Annually
Lead	mg/L	Annually
Magnesium	mg/L	Annually
Manganese	mg/L	Annually
Nickel	mg/L	Annually
Odors	mg/L	Annually
Orthophosphate Phosphorous	mg/L	Annually
Phosphorous, Total	mg/L	Annually
Potassium	mg/L	Annually
Sodium	mg/L	Annually
Sulfate	mg/L	Annually
Total Suspended Solids (TSS)	mg/L	Annually
Zinc	mg/L	Annually
Semi-volatile Organic Compounds (SVOCs)	ug/L	Annually

ATTACHMENT B

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

GENERAL PROVISIONS
FOR MONITORING AND REPORTING

1. SAMPLING AND ANALYSIS

a. All analyses shall be performed in accordance with the current edition(s) of the following documents:

i. Standard Methods for the Examination of Water and Wastewater

ii. Methods for Chemical Analysis of Water and Wastes, EPA

b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Regional Board Executive Officer. Specific methods of analysis must be identified on each laboratory report.

c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Regional Board prior to use.

d. The Discharger shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.

e. The Discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.

f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.

g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

2. OPERATIONAL REQUIREMENTS

a. Sample Results

Pursuant to California Water Code Section 13267(b), the Discharger shall maintain all sampling and analytical results including: strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

b. Operational Log

Pursuant to California Water Code Section 13267(b), an operation and maintenance log shall be maintained at the facility. All monitoring and reporting data shall be recorded in a permanent log book.

3. REPORTING

a. For every item where the requirements are not met, the Discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.

b. Pursuant to California Water Code Section 13267(b), all sampling and analytical results shall be made available to the Regional Board upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

c. The Discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.

d. Monitoring reports shall be signed by:

i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;

ii. In the case of a partnership, by a general partner;

iii. In the case of a sole proprietorship,by the proprietor; or

iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

e. Monitoring reports are to include the following:

i. Name and telephone number of individual who can answer questions about the report.

ii. The Monitoring and Reporting Program Number.

iii. WDID Number.

f. Modifications

This Monitoring and Reporting Program may be modified at the discretion of the Regional Board Executive Officer.

4. NONCOMPLIANCE

Under Section 13268 of the Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars ($1,000) for each day of violation under Section 13268 of the Water Code.

x:PROVISONS WDRS

file: general pro mrp

ENCLOSURE 2

R8-2007-0003

DRISCOLL & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS

43521 RIDGE PARK DR. STE. 101
TEMECULA, CA 92590
OFFICE (951) 695-4732
FAX (951) 695-4737

FACSIMILE TRANSMITTAL SHEET

TO: CRWQCB SANTA ANA
FROM: HECTOR HUERTA

COMPANY:
DATE: 01-19-10

FAX NUMBER: 760 241-7308
TOTAL NO. OF PAGES INCLUDING COVER: SIX (6)

PHONE NUMBER:
SENDER'S REFERENCE NUMBER:

RE: RESPONSE TO TENTATIVE BOARD ORDER
YOUR REFERENCE NUMBER:

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

FOLLOWS RESPONSE BY GREEN VALLEY FOODS TO TENTATIVE ORDERS DUE 01-18-10, HOWEVER, THAT DATE WAS A LEGAL HOLIDAY.

THANKS

[signature]

[CLICK HERE AND TYPE RETURN ADDRESS]

GREEN VALLEY FOODS CHEESE PROCESSING FACILITY

WASTE DISCHARGE REQUIREMENTS

BY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6V-2009-(TENTATIVE)
WDID NO. 6B360704003

Comments by GREEN VALLEY FOODS

1

Hector Huerta, owner and operator of Green Valley Foods, identified as "Discharger" has reviewed the Waste Discharge Requirements submitted by California Regional Water Quality Control Board, Lahontan Region identified as "Board," respectfully asks the Board to **REJECT** these Waste Discharge Requirements in their present form because:

I. Board staff's recommendations rides solely on a single sample taken in February, 2007, of Discharger's effluent without Discharger or his representative being present to simultaneous conduct its own investigation.

2

II. Board staff has failed to take action at Discharger's verbal request for additional sample testing of Discharger's effluent.

3

III. Board staff members at different offices at differing times have had conflicting opinions as to Discharger's responses.

Introduction

4

Hector Huerta produces a Mexican artisan cheese called Cojita and it sometimes is referred to as Mexican-style Parmesan Cheese because of their similarities. This white, hard cow's milk cheese is much saltier than most cheeses for preservation and taste. It is used crumbled or grated as a topping for soups, salads, beans, tostadas, or tacos. Like Parmesan, it is often sold already grated. Mr. Huerta's distribution channel is limited to

Section 4, Discharger does not concur with CWQCB statements.

9 Subsequent to an Order by the Executive Officer for the Discharger to submit Technical Reports, Discharger's submission was rejected for various reasons, however, the Groundwater Test Results, Figure 1, that accompanied the report are not in dispute and do not support staff's finding that Discharger's "current discharge practice has caused or contributed to groundwater pollution.

Figure 1

LGC SUMMARY OF GROUNDWATER TEST RESULTS - April 4, 2008

Analyte(s)	Units	MW-1	MW-2	MW-3	MW-4	MW-5	MCLs
Cations							
Sodium	mg/L	170	100	200	140	140	NE
Potassium	mg/L	6.2	3.5	5.7	5.1	4.5	NE
Anions							
Tot. Alkalinity	mg/L	280	120	120	220	180	NE
Hydroxide	mg/L	ND	ND	ND	ND	ND	NE
Carbonate	mg/L	ND	ND	ND	ND	ND	NE
Bicarbonate	mg/L	340	150	320	270	220	NE
Chloride	mg/L	200	65	250	150	170	250 mg/l
Nitrate as N	mg/L	22	3.2	13	12	5	10 mg/L
Floride	mg/L	0.6	0.7	0.7	0.5	0.6	4 mg/L
pH	pH units	7	7.6	7.4	7.4	7.2	6.5 - 8.5
Spec. Conductance	umhos/cm	1,800	770	1,900	1,400	1,300	NE
Tot. Dissolved Solids (TDS)	mg/L	1,100	460	1,200	1,100	790	500 mg/L
Tot. Suspended Solids (TSS)	mg/L	100	80	49	53	85	NE
Biochemical Oxygen Demand (BOD)	mg/L	ND	ND	ND	ND	ND	NE
Chemical Oxygen Demand (COD)	mg/L	17	13	24	28	13	NE
Nutrients							
Nitrite as N	mg/L	ND	ND	ND	ND	ND	1 mg/L
Ammonia-Nitrogen	mg/L	0.11	ND	ND	ND	ND	NE
Kjeldahl Nitrogen	mg/L	ND	ND	ND	ND	0.11	NE
Total Nitrogen	mg/L	22	3.2	13	12	5.1	NE
Ortho Phosphate Phosphorus	mg/L	ND	ND	ND	ND	ND	NE
Total Phosphorus	mg/L	0.18	0.13	0.06	28	0.12	NE
Metals and Metalloids							
Barium	ug/L	180	ND	130	150	110	2,000 ug/L
Iron	ug/L	7,400	3600	1,400	2,800	2,400	300 ug/L
Manganese	ug/L	230	81	59	68	79	50 ug/L
Zinc	ug/L	23	16	10	ND	ND	5,000 ug/L
Volatile Organic Compounds							
Acetone	ug/L	ND	ND	11	12	6.6	700 ug/L
Bromodichloromethane	ug/L	2.7	0.58	1.1	1.6	1	700 ug/L
Bromoform	ug/L	ND	ND	ND	0.53	ND	700 ug/L
Chloroform	ug/L	17	3.3	3.5	12	5.1	700 ug/L
Dibromochloromethane	ug/L	1	0.5	0.78	0.79	0.73	700 ug/L
Surrogate: 1,2-Dichloroenthane-d4	%	97.3	97.3	95.1	93.5	97.5	NE
Surrogate: Bromofluorobenzene	%	100	100	104	99.6	95.8	NE
Surrogate: Tolyene-d8	%	99.5	99.5	98.6	99.4	96.8	NE
Fecal Coliform	MPN/100ml	<2.0	27	8	<2.0	<2.0	zero
Total Coliform	MPN/100ml	<2.0	27	30*	8*	130	zero

* Retest result 5/6/08
MCL = Maximum contaminat level.
mg/L = milligrams per liter (ppm).
ug/L = micrograms per liter (ppb).
numhos/cm = micromhos/cm

Total Phosphorus	mg/L	0.09	29	-
Metals and Metaloids				
Barium	ug/L	110	110	2 mg/L
Iron	ug/L	ND	170	0.3 mg/L**
Manganese	ug/L	ND	13	0.05 mg/L**
Zinc	ug/L	11	27	5 mg/L
Volatile Organic Compounds				
Acetone	ug/L	ND	150	0.7 mg/L
Bromodichloromethane	ug/L	ND	ND	0.7 mg/L
Chloroform	ug/L	ND	ND	0.7 mg/L
Surrogate: 1,2-Dichloroenthane-d4	%	111.0	112	
Surrogate: Bromofluorobenzene	%	109.0	105	
Surrogate: Toluene-d8	%	98.9	100	

where: mg/L = milligrams/liter (ppm)
ug/L = micrograms/liter (ppb)
ND = None detected
umhos/cm = micromhos/cm
** - Non-enforcable Secondary Standards

11 Tentative Order (Pg 13), Title V, Time Schedule, Section C, Completion of Construction. Discharger does not concur with the requirements and timing as set forth.

Discharger cannot shutdown for more than 1 day or he will be out of business. This section requires Discharger to cease discharging to land upon the completion of Surface Impoundment, however, Discharger is barred from discharging to the Surface Impoundment until staff approves a technical report summarizing all work activities associated with the installation of the monitoring system. Based on Discharges immediate experience, it may take staff several weeks to receive staff's approval.

For Hector Huerta
By John Stamford
Project Manager
GREEN VALLEY FOODS

PAUL AND LINDA HENSLEY

26061 community blvd
Barstow ,California
92311
760-253-3217

February 23, 2009

Attn;
Brianna Bergen

Quality control board

My wife and I are very concerned about the proposal to place a sediment pond on the GREEN VALLEY FOODS CHEESE processing facility. They do not demonstrate the ability to run a clean facility and in fact have had a number of violations levied against them recently. They were dumping the cheese way on the ground and the smell in this area was unbearable. My wife and I walk or ride our bikes daily and when they were in operation it made it nearly impossible to do so. Please do not allow this to happen we have lived on community blvd for 25 years and will have to move if this is implemented. My wife has asthma and she will not be able to handle this horrible smell and our ground water will be in jeopardy .

Sincerely,
PAUL and LINDA HENSLEY
Signature

2/15 BB

FEB 25 2009

Notice

Submittal of Written Material for Regional Board Consideration

In order to ensure that the State of California Lahontan Regional Water Quality Control Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the Regional Board Meeting. Pursuant to Title 23 of the California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

COMPLETE FORM AND RETURN

To: CA Regional Water Quality Control Board, Lahontan Region
14440 Civic Drive, Suite 200
Victorville, CA 92392
ATTN: Brianna Bergen

Comments on GREEN VALLEY FOODS CHEESE PROCESSING FACILITY

_____We concur with proposed requirements

_____We concur; comments attached

_____We do not concur; comments attached

Paul Hadley (Sign)

Paul + Linda Hadley (Type or print name)

_____(Organization)

26661 Community Blvd (Address)

Barstow, Calif 92311 (City and State)

760-253-3217 (Telephone)

Name: Date:

Comments Green Valley Foods
Comments and concerns

Green Valley Foods (GVF) has shown a history of non-compliance and inadequate, incomplete reporting of their Report of Wastewater Discharge (RWD). Extra steps must be enforced to require timely and forthcoming information that is done professionally by an independent source that is objective and professional.

GVF should not discharge any solvents, or cleaning or washing water mixed with the whey or cheese byproducts.

All truck washing needs to be separated from the rest of the discharges. What chemicals and fuels, oils and other substances washed off trucks? Why is a cheese facility washing trucks?

How will washing water be captured? Will the cleaning water be tested?

Evaporation pond should be covered to keep wildlife out of wastewater or dust associated with wastewater evaporating.

How will residuals from the waste pond be removed without any blowing downwind to the land and families east of the pond? Any restrictions? Wind speed? We are in a PM10 non-attainment zone. How can this plan work if the oject is to dry the waste down to a powder to be removed. We are located in the 5th highest wind area in California. The wind predominates from the west to the east. All dust, smell and gas will go over the nearby homes and into Barstow.

How will the smell be handled? If with chemicals, then water will be more toxic for wildlife and dust will be more dangerous. Ravens are a current and on-going problem.

Who will regulate the smell? Violations? Penalties? Repeat offences? How do the effected parties document the smell issue? What are the rights of those living near the waste pond?

What is back up plan if the pond is overfull, too cold for evaporation, or pipeline is not working? Where will waste go? Who will oversee the operation and compliance of regulation that will have the public health and not the facility profits in mind?

If just whey, can the liquid be used as a beneficial product for land application, animal feed or fuel product? It can and should be utilized as a beneficial. How and when does the cheese byproduct (whey) become so dangerous at GVF?

Can the cleaners, solvents and material washed off trucks be listed and amounts used documented? What are the "wastes cleaned from the milk delivery trucks"(#9 page 7)? Why are wastes being delivered and cleaned in a cheese making facility.

Will GVF clean up the old discharge site? When, how, who?

How will GVF change discharge/evaporation/scraping schedule from summer to winter? More smell in summer and less evaporation in winter?

"#4. Neither the treatment nor the discharge shall cause a nuisance". This should include all smell issues. Before the expansion permit, the smell from the facility was horrible and widely known to come from GVF. Will this situation be allowed to happen again? Will these WDRs prevent the future smell problem?

How will the migratory birds who travel through the area twice a year be kept out of the pond and kept from carrying the wastewater to other water sources in the area and beyond?

In case of a spill, will the water level near the pond be characterized?

How much smell is acceptable? Will the new system be abandoned if smell becomes an issue? The neighbors east of the facility have concerns about the smel?. They have concerns that the increased production and enlarged facility will increase the issues with odors. Who will monitor the odors? Can a telephone hotline be set up to help compile complaints?

The existing operations attract large numbers of ravens to the facility. Is this legal to be a source of food and water for ravens? Will the new waste pond allow ravens access to the water? Will the ravens carry the contaminated water throughout the high desert? If coliforms exist in the discharge pond, can that contamination be transfered to other water sources in the area? There are irrigation canals and ponds, unclorinated pools, gardens, animal and livestock water sources locally that have open access for ravens or other wildlife to access and transfer any contaminates they might have picked up at the waste pond?

Other wildlife will be attracted to the waste pond. Will ingesting any of the waste get the contaminants into the food chain that could end up in our gardens, pets or food?

If the facility is closed or has a major clean-up expense, will there be a performance bond to ensure that the neighbors and new owners are not left with any costs associated with the former operations of GVF? There should be a large bond of $10 million to ensure that GVF follows the regulations, obligations and any legal fines associated with their operation, closure and final clean-up.

The waste pond should be completely sealed. Who will ensure "no hazardous waste shall be discharged into the impoundment"? Monitoring should be daily or at least weekly inspections that are not scheduled. Does the history of GVF have any effect on the level of requirements by Lahonton on GVF?

When the "fail-safe" operating procedures take effect, the entire facility should be shut down until all corrections should be made. If the pump or pipeline is broken or leaking, where will the 8-10,000 galloons of daily waste go? The facility must be shut down operation during repairs.

If discharge is not allowed onto adjacent fields, then why can ravens and other wildlife have easy access to the wastewater and the ability to carry the wastewater and dust of dried waste onto other property and other water sources?

In Adelanto, an open-air sludge facility was operating within the guidelines of Lahonton. This facility was shown to have wastewater allowed onto the public right of way. How will Lahonton ensure that doe not happen here? In Adelanto, the dust off the sludge site when blown off site, reactivated the fecal coli forms and other dangerous water issues. Will this be taken into account? Will the dust from this waste pond be tested? Will the dust be dangerous? The waste pond should be enclosed and sealed.

Attached is a Dept of Health Services report from the Adelanto Sludge Compost facility and the dust and smell problems there. Is the wastewater in this pond, if dried and blows around the neighborhood, is there any danger? Any long term effects? For children, seniors or immune compromised population more vulnerable from the dust and fumes from the drying wastewater?

When will GVF be required to have a "Point of Compliance" well? Before expansion? Who will monitor and test the thoroughness of GVF? Does the history of GVF have an effect on the way they are watched and the results checked? There should be a third party to test and monitor all the wells and to periodically check the wells used by the neighbors of GVF. GVF needs a performance bond to ensure any contamination issues that require fixing will be fixed with GVF while solvent. No increased capacity until all new equipment and conditions have been completed and tested.

Is the wastewater tested by Lahonton of GVF, which was so high in coli forms and other dangerous chemicals, taken into account for this new permit and increased capacity by GVF? Do we expect to see more such levels of contamination? Is the source located and fixed? Are the neighboring wells at risk now or in the future? Should the neighbors be more informed about the existence of such tests and results?

Thank you for your work on ensuring the long term safety and quality of our drinking water. All of the area relies on well water for all our water needs. We have had our wells tested recently and hope that the quality can be maintained or improved for future generations.

Norman Diaz
Barstow, CA

ENCLOSURE 3

California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for
Environmental Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
http://www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

April 12, 2010

WDID No. 6B360704003

Paul and Linda Hensley
26061 Community Blvd.
Barstow, CA 92311

RESPONSE TO COMMENTS, TENTATIVE WASTE DISCHARGE REQUIREMENTS, GREEN VALLEY FOODS, SAN BERNARDINO COUNTY

On February 25, 2009, California Regional Water Quality Control Board, Lahontan Region (Water Board) received your comments on the tentative Waste Discharge Requirements (WDRs) for Green Valley Foods cheese manufacturing facility in an unincorporated portion of Barstow, San Bernardino County. WDRs for this facility were originally scheduled to be presented to the Water Board for adoption on April 16, 2009, and have been postponed until May 12, 2010. This letter addresses your concerns.

Water Board staff understands the overall concerns regarding odors. Per the initial study performed following California Environmental Quality Act (CEQA) guidelines, the County of San Bernardino requires that odors generated as a result of the disposal to the Surface Impoundment "must meet all requirements established by the Air Quality Management District." The WDRs specify that the discharge must not cause a nuisance, and, as such, the Discharger must treat the wastewater to mitigate for odors.

The proposal in the WDRs is not to construct a sediment pond, but rather a surface impoundment, the purpose of which is to contain the wastewater and not allow a discharge. A class II surface impoundment will be designed according to the requirements listed in the California Code of Regulations, title 27, such that the Discharger can discharge designated waste, including cleaning solution and cheese manufacturing residuals, as long as the waste discharged cannot be classified as a hazardous waste. Samples of the effluent will be collected to ensure that the waste is appropriate to discharge to the surface impoundment. Under title 27 requirements, a class II surface impoundment that receives designated waste shall have a liner, a leak detection system, a leachate collection and recovery system, a vadose zone monitoring system, and groundwater monitoring wells. These systems will allow the Discharger to detect any potential impairments to the integrity of the surface impoundment structure and to protect groundwater quality. Monitoring will be performed at least quarterly to ensure compliance with WDRs and to be protective of groundwater quality. Monitoring reports are to be submitted quarterly and annually by the Discharger. These reports will be publicly available upon submittal to Water Board staff.

The proposed project at Green Valley Foods is necessary to protect the quality of groundwater in the area, which our Water Quality Control Plan for the Lahontan Region (Basin Plan) designates as domestic, agricultural, industrial, freshwater replenishment, and aquacultural use. The wastewater will be completely contained and will not be allowed to percolate into the ground. A surface impoundment, built to title 27 standards, is designed to contain the waste discharged from the facility, and, combined with the WDRs and the associated monitoring and reporting program, is intended to be protective of water quality.

Should you have any questions, please contact me at (760) 241-7305 or bbergen@waterboards.ca.gov or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 or pcopeland@waterboards.ca.gov.

Sincerely,

Brianna Bergen
Engineering Geologist

Enclosure: Paul and Linda Hensley Comment letter, received February 25, 2009

BB\rc\GVF\RTCHensley_1 4-12-10.doc

California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for
Environmental Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
http://www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

April 14, 2010

WDID NO. 6B360704003

D. Norman Diaz
25789 Community Blvd.
Barstow, CA 92311

RESPONSE TO COMMENTS, TENTATIVE WASTE DISCHARGE REQUIREMENTS, GREEN VALLEY FOODS

On March 2, 2009, California Regional Water Quality Control Board, Lahontan Region (Water Board) received your comments on the tentative Waste Discharge Requirements (WDRs) for Green Valley Foods cheese manufacturing facility in an unincorporated portion of Barstow, San Bernardino County. These WDRs will be presented to the Water Board for adoption on May 12, 2010.

The purpose of the surface impoundment is to contain wastewater and to protect water quality. The class II surface impoundment will be designed according to the requirements listed in California Code of Regulations, title 27, such that the Discharger can discharge designated waste, including cleaning solution and cheese manufacturing residuals, as long as the waste is not classified as a hazardous waste. Samples of the effluent will be collected to ensure the waste is appropriate to discharge to the surface impoundment. Under title 27 requirements, the class II surface impoundment shall have a liner, a leak detection system, a leachate collection and recovery system, vadose zone monitoring, and groundwater monitoring wells to detect any potential impairments to the integrity of the structure. The wastewater will be completely contained and will not be allowed to percolate to groundwater.

No wastewater is to be discharged outside of the surface impoundment. Freeboard is to be maintained, and the pipeline to the surface impoundment shall be equipped with devices to prevent overfilling. Should these devices fail, the Regional Board shall immediately be notified of any flooding or unpermitted discharge; the Discharger shall remove and relocate or otherwise mitigate any wastes that are not in compliance with the WDRs.

Water Board staff understands the overall concerns regarding the odor and the potential for wildlife to be affected by the proposed surface impoundment. Per the initial study performed following California Environmental Quality Act (CEQA) guidelines, the County of San Bernardino requires that odors generated as a result of the disposal to the Surface Impoundment "must meet all requirements established by the Air Quality Management District." The WDRs specify that the discharge must not cause a nuisance, and, as such the Discharger must treat the wastewater to mitigate for odors. San Bernardino County did not identify protection of wildlife or vector control mitigation measures in the initial study.

Monitoring reports are to be submitted quarterly and annually by the Discharger. These reports will be publicly available documents upon submittal.

Water Board staff have numbered your comments and concerns (see copy of your comment letter, enclosed) and have provided itemized responses as follows.

Comment 1: "Green Valley Foods (GVF) has shown a history of non-compliance and inadequate, incomplete reporting of their Report of Wastewater Discharge (RWD). Extra steps must be enforced to require timely and forthcoming information that is done professionally by an independent source that is objective and professional."

Response: The Water Board recognizes the importance of monitoring and reporting with regard to waste discharge requirements. The proposed Waste Discharge Requirements (WDRs) specify in section V. Time Schedule, A. Submittal of Technical Reports, reports submitted must be prepared by, or under the supervision of, either a California registered professional geologist or a California registered professional engineer. Additionally, section III. Reporting Requirements, C. Failure to Furnish Reports of the Monitoring and Reporting Program (MRP) specifies "any person failing or refusing to furnish technical or monitoring reports or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars ($1,000) for each day of violation under section 13268 of the California Water Code."

Comment 2: "GVF should not discharge any solvents, or cleaning or washing water mixed with the whey or cheese byproducts."

Response: Wastewater from the facility consists of water and cleaning solutions used for cleaning the cheese-making equipment as well as rinsate from the milk delivery truck spigots. The wastewater from this facility has been characterized as a designated waste, based on wastewater samples collected from the facility. The WDRs allow this wastewater to be discharged only to a lined surface impoundment that is required to be built to contain the designated waste per the requirements of California Code of Regulations, title 27. Pursuant to these tentative WDRs, the Discharger is prohibited from discharging hazardous waste to the lined impoundment.

Comment 3: "All truck washing needs to be separated from the rest of the discharges. What chemicals and fuels, oils and other substances washed off trucks? Why is a cheese facility washing trucks?"

Response: Water Board staff has clarified Section 15, page 5 in the proposed WDRs, based on corrections from the Discharger. The Discharger has stated that the trucks themselves are not being washed. The spigots on the milk delivery trucks are rinsed off at the facility after deliveries, and the rinsate is commingled with the wash water to be discharged to the proposed lined surface impoundment. No chemicals, fuels, oils, or other substances should be washed off the trucks during spigot washing processes.

Comment 4: "How will washing water be captured? Will the cleaning water be tested?"

Response: The wash water collects in drains in the floor of the facility, and will be pumped through a pipe and discharged to the lined surface impoundment. As required in these tentative WDRs, the effluent must be sampled and analyzed quarterly for constituents of concern that include volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs).

Comment 5: "Evaporation pond should be covered to keep wildlife out of wastewater or dust associated with wastewater evaporating."

Response: San Bernardino County did not identify impacts to wildlife as requiring mitigation in the initial study document that was prepared per the California Environmental Quality Act (CEQA) guidelines.

Comment 6: "How will residuals from the waste pond be removed without blowing downwind to the land and families east of the pond? Any restrictions? Wind speed? We are in a PM10 non-attainment zone. How can this plan work if the oject is to dry the waste down to a powder to be removed. We are located in the 5th highest wind area in California. The wind predominates from the west to the east. All dust, smell, and gas will go over the nearby homes and into Barstow."

Response: The Discharger shall comply with Ambient Air Quality Standards set by the California Air Resources Board and the San Bernardino County General Plan. Water Board staff added paragraph 4 to Section I. Monitoring, C. Impoundments, to the proposed MRP to specify that monitoring and mitigation measures shall be implemented during solids removal to ensure that the above referenced standards are not exceeded. The proposed MRP also requires that a Monitoring and Reporting Plan and a Sampling and Analysis Plan be submitted for the Executive Officer's approval prior to initiation of the project (per Section I., Monitoring, D. Detection Monitoring). Section I. Monitoring, G. Operation and Maintenance, requires the Discharger to report any operational problems and maintenance activities, including during solids removal, on the disposal facility as part of the quarterly reports. Annually, the Discharger must describe solids removal activities and compliance with air quality standards, per Section III., E. Annual Report. The initial study requires that the Discharger prepare a Dust Control Plan to be approved by the MDAQMD. Additionally, activities on unpaved surfaces will not be allowed when wind speeds exceed 25 miles per hour.

Comment 7: "How will the smell be handled? If with chemicals, then water will be more toxic for wildlife and dust will be more dangerous. Ravens are a current and on-going problem."

Response: Per the initial study, the County of San Bernardino requires that odors generated as a result of the disposal to the Surface Impoundment "must meet all requirements established by the Air Quality Management District." The WDRs specify that the discharge must not cause a nuisance, and, as such the Discharger must treat the wastewater to mitigate for odors.

Comment 8: "Who will regulate the smell? Violations? Penalties? Repeat offences? How do the effected parties document the smell issue? What are the rights of those living near the waste pond?"

Response: Please see response to Comment 7. Complaints can be directed to San Bernardino County, Department of Environmental Health Services; California Air Resources Board; and Regional Water Quality Control Board, Lahontan Region.

Comment 9: "What is back up plan if the pond is overfull, too cold for evaporation, or pipeline is not working? Where will waste go? Who will oversee the operation and compliance of regulation that will have the public health and not the facility profits in mind?"

Response: The proposed surface impoundment is required to maintain at least 2 feet of freeboard per CCR, title 27, section 20375. Also per section II.C., Discharger Limitations - Surface Impoundment, no discharge of waste shall be to land and the pipeline shall be equipped with devices or have other operating procedures to prevent overflow of the surface impoundment.

Comment 10: "If just whey, can the liquid be used as a beneficial product for land application, animal feed or fuel product? It can and should be utilized as a beneficial. How and when does the cheese byproduct (whey) become so dangerous at GVF?"

Response: The whey is not separated in the cleaning process. Because the whey is commingled with the wash water and cleaning solution, the whey cannot be used for land application, animal feed, or fuel product.

Comment 11: "Can the cleaners, solvents and material washed off trucks be listed and amounts used documented? What are the "wastes cleaned from the milk delivery trucks" (#9 page 7)? Why are wastes being delivered and cleaned in a cheese making facility."

Response: Item 15 on page 5 has been clarified. The spigots on the milk delivery trucks are rinsed following milk delivery. Wastes are not delivered to the Facility.

Comment 12: "Will GVF clean up the old discharge site? When, how, who?"

Response: Clean-up of the existing discharge site will be addressed under a separate order.

Comment 13: "How will GVF change discharge/evaporation/scraping schedule from summer to winter? More smell in the summer and less evaporation in winter?"

Response: The Discharger will not be allowed to discharge more than the capacity of the surface impoundments. Reportedly, more wastewater is discharged in the summer months when evaporation is high than in the winter months. The proposed surface impoundment shall maintain freeboard as required in CCR, title 27, section 20375. Also per section II.C., Discharger Limitations - Surface Impoundment, no discharge of waste shall be to land.

Comment 14: "#4. Neither the treatment nor the discharge shall cause a nuisance". This should include all smell issues. Before the expansion permit, the smell from the facility was horrible and widely known to come from GVF. Will this situation be allowed to happen again? Will these WDRs prevent the future smell problem?"

Response: II. Requirements and Prohibitions, A. General, Item number 4 has been modified to indicate that the discharge shall not create a nuisance. The discharger shall mitigate the odors.

Comment 15: "How will the migratory birds who travel through the area twice a year be kept out of the pond and kept from carrying the wastewater to other water sources in the area and beyond?"

Response: Please see response to comment 5.

Comment 16: "In case of a spill, will the water level near the pond be characterized?"

Response: Per I. B., Facility Limitations, Item number 2, the Discharger shall immediately notify the Regional Board of any flooding or unpermitted discharge of waste off-site, and per II.A. General requirements and prohibitions, Item number 11, the Discharger shall remove and relocate or otherwise mitigate any wastes that are not in accordance with these WDRs.

Comment 17: "How much smell is acceptable? Will the new system be abandoned if smell becomes an issue? The neighbors east of the facility have concerns about the smel?. They have concerns that the increased production and enlarged facility will increase the issues with odors. Who will monitor the odors? Can a telephone hotline be set up to help compile complaints?"

Response: Please see responses to comments 7 and 8.

Comment 18: "The existing operations attract large numbers of ravens to the facility. Is this legal to be a source of food and water for the ravens? Will the new waste pond allow ravens access to the water? Will the ravens carry the contaminated water throughout the high desert? If coliforms exist in the discharge pond, can that contamination be transfered to other water sources in the area? There are irrigation canals and ponds, unclorinated pools, gardens, animal and livestock water sources locally that have open access for ravens or other wildlife to access and transfer any contaminates they might have picked up at the waste pond?"

Response: Please see response to comment 5.

Comment 19: "Other wildlife will be attracted to the waste pond. Will ingesting any of the waste get the contaminants into the food chain that could end up in our gardens, pets, or food?"

Response: Please see response to comment 5.

Comment 20: "If the facility is closed or has a major clean-up expense, will there be a performance bond to ensure that the neighbors and new owners are not left with any costs associated with the former operations of GVF? There should be a large bond of $10 million to ensure that GVF follows the regulations, obligations and any legal fines associated with their operation, closure, and final clean-up."

Response: IV. Provisions, E. Financial Assurance, require the Discharger to submit annually evidence that adequate financial assurance has been provided for closure and potential releases. The Discharger shall provide evidence that the amount is adequate or increase the amount of financial assurance. Water Board staff shall review the financial assurances to ensure the amount provided is adequate.

Comment 21: "The waste pond should be completely sealed. Who will ensure "no hazardous waste shall be discharged into the impoundment"? Monitoring should be daily or at least weekly inspections that are not scheduled. Does the history of GVF have any effect on the level of requirements by Lahontan on GVF?"

Response: Per the MRP, flow into the surface impoundments shall be constantly measured, the freeboard shall be measured weekly, the integrity of the surface impoundment dikes and liners shall be inspected weekly, and samples of the wastewater discharged shall be collected quarterly. The surface impoundment shall be designed to completely contain the wastewater. The characteristics of the wastewater discharged determine the structure required.

Comment 22: "When the "fail-safe" operating procedures take effect, the entire facility should be shut down until all corrections should be made. If the pump or pipeline is broken or leaking, where will the 8-10,000 galloons of daily waste go? The facility must be shut down operation during repairs."

Response: Per Section I, Discharge Specifications, C. Discharge Limitations - Surface Impoundment, Item number 3, "There shall be no discharge of waste from the surface impoundment to the adjacent land areas," and Item number 4, "Direct pipeline discharge to the Impoundment shall be either equipped with devices, or shall have fail-safe procedures, to prevent over-filling. Discharge shall be stopped immediately in the event of any containment system failure and the system repaired." Should one of the procedures fail, section I. B., Facility Limitations, Item number 2 indicates the Discharger must immediately notify the Regional Board of any flooding or unpermitted discharge of waste and per section II.A., General requirements and prohibitions, item number 11, the Discharger shall remove and relocate or otherwise mitigate any wastes that are not in accordance with these WDRs.

Comment 23: "If discharge is not allowed onto adjacent fields, then why can ravens and other wildlife have easy access to the wastewater and the ability to carry the wastewater and dust of dried waste onto other property and other waster sources?"

Response: Please see response to comment 5.

Comment 24: "In Adelanto, an open-air sludge facility was operating within the guidelines of Lahontan. This facility was shown to have wastewater allowed onto the public right of way. How will Lahontan ensure that doe not happen here? In Adelanto, the dust off the sludge site when blown off site, reactivated the fecal coli forms and other dangerous water issues. Will this be taken into account? Will the dust from this waste pond be tested? Wil the dust be dangerous? The waste pond should be enclosed and sealed."

Response: Per the Environmental Impact Report, San Bernardino County is requiring the Discharger to prepare a Dust Control Plan that the MDAQMD must approve. The proposed surface impoundment shall maintain freeboard as required in CCR, title 27, section 20375. Also per section II.C., Discharger Limitations - Surface Impoundment, no discharge of waste shall be to land. The surface impoundment will be sealed such that the contents will not percolate to ground or groundwater. However, the surface is not required to be enclosed.

Comment 25: "Attached is a Dept of Health Services report from the Adelanto Sludge Compost facility and the dust and smell problems there. Is the wastewater in this pond, if dried and blows around the neighborhood, is there any danger? Any long term effects? For children, seniors or immune compromised population more vulnerable from the dust and fumes from the drying wastewater?"

Response: Please see response to comment 24.

Comment 26: "When will GVF be required to have a "Point of Compliance" well? Before expansion? Who will monitor and test the thoroughness of GVF? Does the history of GVF have an effect on the way they are watched and the results checked? There should be a third party to test and monitor all the wells and to periodically check the wells used by the neighbors of GVF. GVF needs a performance bond to ensure any contamination issues that require fixing will be fixed with GVF while solvent. No increased capacity until all new equipment and conditions have been completed and tested."

Response: Section I. Monitoring, D. Detection Monitoring of the MRP, require that a monitoring and reporting plan and a sampling and analysis plan must be submitted 60 days prior to the installation of unsaturated zone monitoring probes and groundwater monitoring wells. No discharge may occur prior to the Executive Officer's approval of these plans. Section IV. Provisions, E. Financial Assurance of the WDRs require the Discharger to submit annually evidence that adequate financial assurance has been provided for closure and potential releases. The Discharger shall provide evidence that the amount is adequate or increase the amount of financial assurance. Monitoring reports are required to be submitted quarterly and annually, per section III. Reporting Requirements, D and E of the MRP.

Comment 27: "Is the wastewater tested by Lahontan or GVF, which was so high in coli forms and other dangerous chemicals, taken into account for this new permit and increased capacity by GVF? Do we expect to see more such levels of contamination? Is the source located and fixed? Are the neighboring wells at risk now or in the future? Should the neighbors be more informed about the existence of such tests and results?"

Response: A class II surface impoundment will be required to contain the discharge at the Facility. The wastewater will be completely contained and will not be allowed to percolate to groundwater. Further, vadose zone monitoring, leak detection monitoring, leachate collection and recovery system, and monitoring wells will be installed to detect any potential leaks in the containment structure so that any discharge to groundwater can be mitigated. Monitoring reports submitted by the Discharger are publicly available documents.

Should you have any questions, please contact me at (760) 241-7305 (bbergen@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,

Brianna L Bergen

Brianna Bergen
Engineering Geologist

cc: Hector Huerta, Green Valley Foods
John Stamford, Driscoll & Associates
D. Norman Diaz, Resident
Mr. & Mrs. Hensley, Residents
Mark Orr, Resident
Joan Bird, Resident
Robert Conaway, Resident
Grant M. Hill, Hill's Ranch
Dean & Brandee Vizzo, Resident
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Donald W. Troy, Property Owner

BB\rc\RTC Norm Diaz 2.doc

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Arnold Schwarzenegger
Governor

April 14, 2010

WDID NO. 6B360704003

Hector Huerta
Green Valley Foods
25684 Community Blvd.
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RESPONSE TO COMMENTS ON TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR GREEN VALLEY FOODS CHEESE PROCESSING FACILITY, CLASS II SURFACE IMPOUNDMENT, SAN BERNARDINO COUNTY

On January 19, 2010, California Regional Water Quality Control Board, Lahontan Region (Water Board) received your comments on the tentative Waste Discharge Requirements (WDRs) for Green Valley Foods cheese manufacturing facility in an unincorporated portion of Barstow, San Bernardino County. The comments were prepared and submitted on behalf of Green Valley Foods by John Stamford of Driscoll & Associates. These WDRs will be considered by the Water Board for adoption on May 12, 2010.

Water Board staff have numbered your comments and concerns (see copy of your comment letter, enclosed) and have provided itemized responses as follows.

Comment 1: "Hector Huerta, owner and operator of Green Valley Foods, identified as "Discharger" has reviewed the Waste Discharge Requirements submitted by California Regional Water Quality Control Board, Lahontan Region identified as "Board," respectfully asks the Board to REJECT these Waste Discharge Requirements in their present form because:

"I. Board staff's recommendations rides solely on a single sample taken in February, 2007, of Discharger's effluent without Discharger or his representative being present to simultaneous conduct its own investigation."

Response: The Waste Discharge Requirements proposed are based on information provided by the Discharger in the Report of Waste Discharge (RWD). Supplemental analytical results from a sampling effort by the Discharger on December 18, 2008 were provided by the Discharger. Water Board staff note that several constituents are at least one order of magnitude lower in concentrations than samples collected in 2007. We have reviewed all of the data and determined that the characteristics of the waste to be discharged remain unchanged.

Comment 2: "II. Board staff has failed to take action at Discharger's verbal request for additional sample testing of Discharger's effluent."

Response: Water Board staff do not concur. The Discharger may collect samples of the Facility's effluent at any time. It is the responsibility of the Discharger to collect, analyze, and report its own discharge data for consideration in its RWD.

Comment 3: "III. Board staff members at different offices at differing times have had conflicting opinions as to Discharger's responses."

Response: Comment noted. Without more specific information, Water Board staff is unable to address this comment at this time.

Comment 4: "Hector Huerta produces a Mexican artisan cheese called Cojita and it sometimes is referred to as Mexican-style Parmesean Cheese because of their similarities. This white, hard cow's milk cheese is much saltier than most cheeses for preservation and taste. It is used crumbled or grated as a topping for soups, salads, beans, tostadas, or tacos. Like Parmesean, it is often sold already grated. Mr. Huerta's distribution channel is limited to Mexican markets in southern California because of his limited output. The cheese is sold under the brand name Val Verde and is U.S.D.A. Certified."

Response: Comment noted.

Comment 5: "Mr. Huerta moved his cheese making business in the early 1980s to a diary (sic) community in an agriculture zoned county area near Barstow, California because of a plentiful local supply of cow's milk. He purchased an existing creamery located at 25684 Community Boulevard which included four small houses from then Hill Family Dairy. There being no municipal sewer system available, Mr. Huerta purchased a vacant parcel of land located at 25660 Community Boulevard and contiguous to a 180 acre alfalfa field for a place to discharge the wash water from making cheese. The closest residents at the time were more than 3/4 miles away. The houses' and creamery's sullage and blackwater are served by separate septic systems."

Response: Comment noted.

Comment 6: "Mr. Huerta never considered that discharging his wash water to land would be a problem because his dairy neighbors discharge their milking barn water to land. The first indication of a problem was a certified letter received from the California Regional Water Quality Control Board, South Lake Tahoe, California dated March 5, 2007. Mr. Huerta was troubled to learn that government employees had entered his property unannounced and had taken water samples without he, or his representative, witnessing the sample taking and to have the opportunity to simultaneously conduct its own investigation."

Response: Please see response to comment 2. In addition, the California Water Code, section 13267, subdivision (a) states "A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division may investigate the quality of any waters of the state within its region."

Comment 7: "Mr. Huerta understands the objectives of the CRWQCB and since the March, 2007, letter has fully cooperated with Board staff. At the same time he has worked with dairy suppliers to use more environmentally friendly cleaners to reduce the negative aspects of the discharge water, however, sodium (NaCl), is a major component in making Cojita cheese."

Response: Comment noted.

Comment 8: "Discharger concurs with the Waste Discharge Requirements except for the following:

"Section 1 , Discharger does not concur on the issue of RWD.

"On April 6, 2007, Green Valley Foods (GVF) submitted an initial permit application/Report of Waste Discharge (RWD) to Water Board staff, California Water Quality Control Board (CWQCB), Lahontan Region, 2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150 as ordered by the Executive Officer. GVF worked with staff at the South Lake Tahoe office over the next few months revising the RWD. The last of the requested items and updated revisions were submitted to staff on September 11, 2007. There were no further requests regarding the RWD and GVF believes that it had completed all the requirements of the RWD. Subsequent to the completion of the RWD. On December 7, 2007, we received an Order for Technical Reports. On March 10, 2008, staff at South Lake Tahoe office advised GVF that their file was being transferred to CWQCB Lahontan field office in Victorville, CA which did not contact GVF until June 16, 2008."

Response: Water Board staff does not concur. On April 6, 2007, the Discharger submitted an unsigned Report of Waste Discharge (RWD) to discharge its cheese processing wastewater to land at its plant in Barstow. Staff requested more information and informed the Discharger that the RWD was incomplete on April 18, 2007. Staff has worked with the Discharger between April 2007 and September 2008 to obtain needed information to complete its RWD. Staff determined the RWD was incomplete and requested additional information on October 10, 2008.

Comment 9: "Section 4, Discharger does not concur with CWQCB statements.

"Subsequent to an Order by the Executive Officer for the Discharger to submit Technical Reports, Discharger's submission was rejected for various reasons, however, the Groundwater Test Results, Figure 1, that accompanied the report are not in dispute

and do not support staff's finding that Discharger's 'current discharge practice has caused or contributed to groundwater pollution.'"

Response: The validity of the analytical results is not in question. However, on May 12, 2009, Water Board staff commented on a Revised Groundwater Investigation Report submitted to comply with California Water Code section 13267 Order to Submit Technical Reports, dated December 10, 2007. In the letter from Water Board staff to Green Valley Foods, Water Board staff disagreed with the conclusions drawn in the Revised Groundwater Investigation Report on the basis that "constituents in Green Valley Foods' wastewater effluent discharged to the ground are present in elevated concentrations in the groundwater beneath the discharge area" and the "claim that the primary source of pollution in groundwater is from an unknown offsite source, or any source other than Green Valley Foods' discharge, is unlikely and not based on good scientific hydrogeologic principles."

Comment 10: "Section 15, Discharger does not concur with staff's analytical results of the wastewater sampling.

"Discharger was not present on February 9, 2007, does not know how or where the wastewater samples were grabbed. For one, the presents (sic) of Fecal Coliform is the direct result of upwind dairy operations in this mostly agriculture zoned area of San Bernardino County. The natural climatology for the area includes afternoon variable westerly winds 5 mph to 15 mph with gusts to 25 mph. Discharger has repeatedly asked staff to conduct new tests and on December 18, 2008, lacking any response from staff, Discharger had a grab sample of its wastewater discharge taken with different results as shown in Figure 2."

Response: The supplemental information provided in the December 18, 2008, analytical results will be incorporated into the WDRs. Water Board staff note that several constituents are at least one order of magnitude lower in concentrations than samples collected by Water Board staff. We have reviewed all of the data and determined that the overall characteristics of the waste to be discharged remain unchanged.

Comment 11: "Tentative Order (Pg 13), Title V, Time Schedule, Section C, Completion of Construction.

"Discharger does not concur with the requirements and timing as set forth. Discharger cannot shutdown for more than 1 day or he will be out of business. This section requires Discharger to cease discharging to land upon the completion of Surface Impoundment, however, Discharger is barred from discharging to the Surface Impoundment until staff approves a technical report summarizing all work activities associated with the installation of the monitoring system. Based on Discharges immediate experience, it may take staff several weeks to receive staff's approval."

Response: Comment noted. Water Board staff assumes the comment refers to page 25 of the tentative WDRs, not page 13. While this section specifies a date following which no discharge to land must occur, the requirement does not prohibit operation of the Facility. The Discharger may make arrangements, such as temporarily storing the wastewater in tanks on site or removing the wastewater to a local wastewater treatment facility until such time as the Surface Impoundment monitoring system is accepted by Water Board staff.

While the previous tentative WDRs proposed a due date of June 30, 2010, for submittal of the final surface impoundment design plans and work plan for construction, Water Board staff requests that these plans be submitted as soon as possible. The plans must be reviewed and accepted by Water Board staff prior to the construction of the surface impoundment.

We look forward to working with you in a manner that protects water quality. Should you have any questions, please contact me at (760) 241-7305 (bbergen@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,

Brianna Bergen
Engineering Geologist

Encl: Green Valley Foods Comment Letter, January 19, 2010

cc: w/encl John Stamford, Driscoll & Associates
Greg Bennett, County of San Bernardino, Land Use Planning
D. Norman Diaz, Resident
Paul and Linda Hensley, Residents
Mark Orr, Resident
Robert Conaway, Resident
Joan Bird, Resident
Grant M. Hill, Hill's Ranch
Dean & Brandee Vizzo, Resident
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