

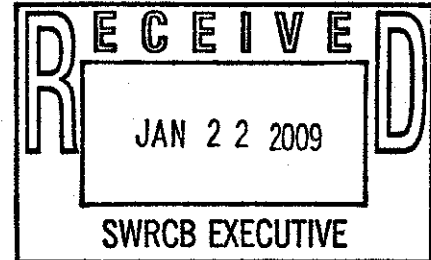


**PACIFIC COAST
PRODUCERS**

January 21, 2009

Via email: commentletters@waterboards.ca.gov

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Own Motion Review of Waste Discharge Requirements and Master Reclamation
Permit (City of Lodi), Central Valley Region
SWRCB/OCC File A-1886

Dear Ms. Townsend:

Pacific Coast Producers submits these comments to the above referenced Draft
Order WQ2009-.

As noted in our December 5, 2007, response to the California Sportfishing
Protection Alliance Petition (CALSPA), Pacific Coast Producers ("PCP") is a grower
owned agricultural cooperative, with a peach and apricot canning facility in Lodi,
California. The cannery discharges wastewater for approximately 11 days in June, during
the apricot pack, and during July and August for approximately 45 days. Cannery
discharge is blended with City effluent and applied to a land application site. The
industrial flow is only about 10 percent of the total flow directed to the land application
site, and approximately 96 percent of that flow is from the cannery wastewater. At no
time does the cannery wastewater discharge to the City's ponds.

The State Board proposed Order concludes that the City of Lodi's permit
authorizes land disposal of sludge, untreated industrial wastewater and domestic effluent

in violation of Title 27. The Board also concludes that a revision is required to a wintertime irrigation provisions, and chronic toxicity. PCP addresses only the first issue regarding Title 27. Additionally, PCP endorses and supports the response filed by the City of Lodi to the proposed Order.

Initially, PCP concurs in the request by the City of Lodi to extend the time for comments on the proposed Order. Given the amount of data and the complex issues involved, adequate time should be allowed for all interested parties to comment.

The State Board's proposed Order concludes that monitoring by the City of Lodi to date provides evidence that "is inadequate to demonstrate compliance" with Title 27. With regard to the land application of wastewater, as is the case with PCP's wastewater discharge, California Water Code provides for an exemption from Title 27, if three conditions are met: 1) WDRs have been issued, 2) the discharge is in compliance with the applicable water quality control plan, and 3) the wastewater does not need to be managed as hazardous waste. Conditions (1) and (3) are met. With regard to the cannery discharge in particular and condition (2), the State Board concludes that there is insufficient evidence to assess the contention by CALSPA that the industrial waste stream does not qualify for a Title 27 exemption because the cannery water exceeds water quality objectives. PCP agrees that the discharge from the cannery would exceed water quality objectives at times, however, this is not the appropriate measure. The measure of whether the discharge exceeds water quality standards is after the land application site acts as a biological and physical "filter" to remove and degrade BOD, nitrogen, and organic dissolved solids, and whether or not there are groundwater impacts because of inadequate filtration/treatment by the land application site. As stated in our response filed December 5, 2007, PCP's land application is conducted in such a way that nitrogen is applied at agronomic rates, allowing uptake of nitrogen and other constituents by crops at the land application site. The reasonableness of the land application practices is evidenced by the soil sampling results from the site for which the majority of the samples from the top 24 inches of soil contain less than 10 mg/Kg nitrate-N, which would be considered nitrogen deficient according to most agronomic guidelines. Therefore, the

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water, after land treatment consistent with guidelines by the EPA and other authoritative scientific references, does not exceed water quality objectives, or the Basin Plan objectives.

The current Order (RB-2007-0113, VI.2.g) conservatively requires an Organic Loading Study to confirm that the application of organics is not exceeding agronomic rates. To mandate the application of Title 27 because of the absence of evidence to prove an exemption, and while additional evidence is in the process of being gathered, seems to be inherently contradictory. In addition to the detailed studies in previous years, the City's consultants have spent many hours, and many resources conducting studies on test sites this past season, conducting column loading tests, and various other activities. Those studies are in the process of being evaluated and summarized in a report. The current Order adequately provides for a timeline for determining whether the loading rates exceed the ability of the land application unit to uptake organics. The State Board should simply let that process move forward based on the evidence.

Another concern of the State Board in its proposed Order is salinity. The standard measures of salinity for drinking water (TDS and EC) do not properly account for the biodegradable organic solids and ionic organic compounds associated with fruit processing wastewater. Therefore the use of TDS and EC for characterization of the mineral salinity of the cannery wastewater is improper and overstates the true mineral salinity. The use of more appropriate measures would show that cannery wastewater does not pose a salinity threat to groundwater quality. When feasible, we also use potassium in our process, which is taken up by the field crops, further reducing mineral salts in percolate.

In any event, the application of cannery discharge to the land application site has not been shown to cause the groundwater to exceed water quality objectives with regard to salinity. The Board's Order discusses EC on Page 13 with regard to the assumed "mound" of groundwater under the City's pond. The cannery water, as noted above, is

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only applied to the land application site, is only 10 percent of the total flow, and does not enter the pond. As the proposed Order notes, the Regional Board's Order already includes a salinity evaluation and minimization plan to address salt sources and to provide annual progress reports on salinity reduction to the agricultural fields. (Order at p. 18, RBOOrder No. R5-2007-0113 V.C.3.b.). Rather than penalize the City and PCP because available information does not illustrate effects of salinity on the land application site to the level of detail now desired by the Regional Board, the City and PCP should be allowed to move forward under the current order and conduct the studies, and provide the reports, as specified by the Regional Board.

We respectfully request that the State Board withdraw the proposed Order, or in the alternative, remand the Permit to the Regional Board for further investigation and revisions regarding the Title 27 exemption as appropriate.

Respectfully Submitted,



Mona Shulman
General Counsel