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STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Adoption of Order No. R5-2026-0033, by the Central Valley Regional Water Quality Control Board for the Waste Discharge Requirements for Setton Pistachio of Terra Bella, Inc. and Porterville Citrus, Inc.	PETITION REQUESTING REVIEW OF CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R5-2026-0033
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Pursuant to Section 13320 of the California Water Code and Section 2050 of Title 23 of the California Code of Regulations, Terra Bella Voice for Change (“Petitioner”) hereby petition the State Water Resources Control Board (“State Board”) to review the June 4, 2026 action of the Central Valley Regional Water Quality Control Board (“CVWB”) approving Order No. R5-2026-0033 (“WDRs” or “Order”), which sets out the Waste Discharge Requirements (“WDRs”) for discharges by Setton Pistachio of Terra Bella Inc. (“Setton”) and Porterville Citrus, Inc. (“Dischargers”) at the Terra Bella Processing Facilities. The issues raised in this petition were raised before the Regional Board in timely written comments and direct testimony (*See, e.g.*, April 8, 2026 and June 3, 2026 comment letters attached as Exhibits 1 and 2), and this petition is timely filed within thirty days of the June 4, 2026 Order. Should the State Board determine that

this Petition is procedurally improper on any other basis, Petitioner requests that the State Board take up the issues in this Petition on its own motion.

**1. NAME, ADDRESS, TELEPHONE AND EMAIL ADDRESS OF THE
PETITIONERS**

Terra Bella Voice for Change

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Attention: Terra Bella Voice for Change

**2. THE ACTION OF THE REGIONAL BOARD WHICH THE STATE BOARD IS
REQUESTED TO REVIEW AND A COPY OF THE ORDER BEING
PETITIONED**

Petitioner seeks review of the Central Valley Regional Water Quality Board (“CVWB”)’s adoption of the Waste Discharge Requirements (“WDRs”) for Setton Pistachio of Terra Bella, Inc. (“Setton Pistachio”) and Porterville Citrus, Inc. (“Porterville Citrus”)(collectively “Dischargers”), Order No. R5-2026-0033. A copy of the Order is attached as Exhibit A.

**3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO
ACT OR WAS REQUESTED TO ACT**

The CVWB adopted Order No. R5-2026-0033 on June 4, 2026.

**4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE ACTION OR
IN ACTION WAS INAPPROPRIATE OR IMPROPER**

The CVWB's adoption of the WDRs is improper because the Order contains legal violations, including violations of the Porter-Cologne Water Quality Control ("Porter-Cologne") Act and the Antidegradation Policy. In the WDRs, the CVWB improperly allows the Dischargers to continue degrading high-quality groundwater underneath their wastewater treatment facilities and nearby 961 acres of land application areas ("LAAs")(collectively "Facilities") without ensuring that the degradation is consistent with the maximum benefit of the people of the State, and without requiring the Dischargers to use best practicable treatment or control, in violation of the Antidegradation Policy. The CVWB also improperly allows the discharges to harm groundwater beneficial uses and contribute to exceedances of water quality objectives, Porter-Cologne, and the Tulare Lake Basin Plan. Additionally, by failing to establish quantifiable milestones and timelines, including a final compliance date, the CVWB also violates the Nonpoint Source Pollution Policy.

The CVWB also fails to ensure that the Facilities do not continue to result in nuisance odors, in violation of the Antidegradation Policy and Water Code Section 13050. The CVWB also fails to account for and limit discharges resulting from the application of compost at the Facilities. Furthermore, the CVWB failed to identify and address the impacts of the WDRs on environmental justice and tribal communities, in violation of Section 13149.2 of the Water Code. Finally, the CVWB failed to complete a supplemental environmental impact report to analyze and mitigate additional, significant environmental impacts from the Facilities related to substantial changes to the Facilities' treatment system and water quality impacts.

5. THE MANNER IN WHICH THE PETITIONERS ARE AGGRIEVED

Petitioner, Terra Bella Voice for Change (“TBVC”), is a community-based organization representing the needs of the disadvantaged residents of Terra Bella, an unincorporated community with approximately 3,000 residents in Tulare County.¹ Terra Bella’s residents are majority Latine of Mexican origin with median household income of approximately \$60,000.² Terra Bella is also located in a census tract that ranks in the 85.28 percentile in CalEnviroScreen 5.0, and 92.24 percentile for air quality (ozone), 52.65 percentile in air quality (PM 2.5) and 95.50 percentile for drinking water contaminants.³ Many community members are farmworkers who have been unfairly burdened by noxious odors from living adjacent to the Facilities.⁴ As a result of the Facilities’ operations, residents have experienced health impacts from breathing nuisance odor, including headaches, respiratory issues, and a reduction in their overall quality of life.⁵ Since 2018, members of TBVC and other residents of Terra Bella have advocated for stronger regulatory protections to prevent noxious odors in the community and avoid further groundwater contamination. The odor nuisances and extremely high quantities of wastewater allowed by the Order will continue to adversely impact the health and safety, interests, and lives of TBVC members and the community of Terra Bella.

¹ Grow Tulare County, *Terra Bella* <https://www.growtularecounty.org/life/our-communities/p/v/data/item/1379/terra-bella> (last accessed June 30, 2026); Census Profile for Terra Bella CDP, California https://data.census.gov/profile/Terra_Bella_CDP_California?g=160XX00US0678288.

² Grow Tulare County, *Terra Bella* <https://www.growtularecounty.org/life/our-communities/p/v/data/item/1379/terra-bella> (last accessed June 30, 2026); Census Profile for Terra Bella CDP, California https://data.census.gov/profile/Terra_Bella_CDP_California?g=160XX00US0678288.

³ OEHHA, Cal EnviroScreen 5.0 Census Tract 6107004500, https://experience.arcgis.com/experience/be03d78c74454429ab1d3fd9266d4400/page/Overall-Results#data_s=id%3AdataSource_93-19e94845fd8-layer-19%3A8827.

⁴ Final WDRs at 1, IS.2. (Terra Bella Pistachio and Porterville Citrus share a wastewater processing and treatment system.)

⁵ See Exhibits 1-3; Terra Bella Voice for Change, along with other concerned community members of Terra Bella, rely on groundwater for their health and wellbeing and have experienced and continue to experience nuisances in the community. During the June 4, 2026 hearing, community members raised important concerns about the negative health impacts of pollutions and nuisances affecting the community.

6. THE ACTION THE PETITIONER REQUESTS THE STATE WATER BOARD TO TAKE

Petitioner requests that the State Water Board revise the CVWB's adoption of the Order to ensure compliance with the Porter Cologne Act, the Antidegradation Policy, the Tulare Lake Basin Plan, the Nonpoint Source Pollution Policy, Water Code Section 13149.2(c), and the California Environmental Quality Act.

Petitioner requests that the State Water Board review the record and revise the WDRs, including but not limited to by directing all of the following amendments:

- A. Direct revisions to the Antidegradation Analysis to comply with case law and State Water Board precedent.
- B. Require lower and enforceable limits to ensure that discharges comply with the Antidegradation Policy and do not cause or contribute to water quality degradation regarding nitrate and salt concentrations.
- C. Require lower BOD limits to ensure that discharges comply with the Antidegradation Policy.
- D. Require Dischargers to reinstall the dissolved air flotation system, line the East and West Ponds, and test and provide drinking water to nearby domestic wells.
- E. Require Dischargers to submit and the CVWB to review a nutrient management plan prior to the adoption of the revised Order.
- F. Direct the CVWB to reinstate a strict nuisance odor prohibition.
- G. Require Dischargers to account for nitrate and salt discharges from the application of compost, and require enforceable nitrate and salt discharge limits from compost application.

- H. Require revisions to the Order to include quantifiable milestones and timelines to comply with the Nonpoint Source Pollution Policy.
- I. Direct revisions to the Water Code Section 13149.2 analysis to comply with the law.
- J. Require that the CVWB conduct a supplemental environmental impact review to comply with the California Environmental Quality Act.

7. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION

BACKGROUND OF ISSUE

Setton Pistachio of Terra Bella, Inc. and Porterville Citrus, Inc. have been discharging large quantities of wastewater that are high in nitrate, salt, and other contaminants for decades, since at least the early 1990s.⁶ The groundwater underneath the Dischargers' Facilities are of high quality for nitrate and salt, but the Dischargers have likely degraded this high-quality water over time.⁷ The Dischargers have also been causing air quality impacts, including nuisance odor, for decades.⁸ Between 2019 and 2025, residents of Terra Bella have submitted at least 58 odor complaints to CVWB and San Joaquin Valley Air Pollution Control District ("Air District").⁹

In September 1992, CVWB issued WDRs No. 92-191, allowing up to 1.5 million gallons per day ("MGD") of pistachio wastewater to be discharged.¹⁰ Separately, WDRs Order No. 94-302 allowed the discharge of up to 0.08 MGD of citrus wastewater.¹¹ The Dischargers' operations expanded over the next 30 years, continuing to cause water quality impacts and odor

⁶ Final WDRs, at 1.

⁷ Final WDRs, at 33-34, 38.

⁸ Final WDRs, at 4; Exhibits 4-6.

⁹ Exhibits 4-6.

¹⁰ Final WDRs, at 1; WDRs Order No. 92-191, at 4.

¹¹ Final WDRs, at 1 (Facilities went from being allowed to discharge 1.5 MGD to 60 MGD).

nuisances. Yet, the CVWB continued to allow the Dischargers to increase their wastewater discharges.¹² In 2024, Tulare County approved a conditional use permit (“CUP”) and an accompanying EIR in response to the Discharger’s request to increase their wastewater discharge due to their addition of 89 acres to the LAAs to process up to a total of 122 million pounds of pistachios per year.¹³ The CUP allowed Setton Pistachio to increase the annual wastewater discharge from 60 million gallons per year (“MGY”) to 85 MGY, where maximum daily discharge rates would remain at 3 million gallons.¹⁴ On June 4, 2026, the CVWB approved this Order, which sets a discharge limit of 3.0 MGD for wastewater, an annual total discharge limit of 85 MGY wastewater, and a performance-based effluent limit of 3,300 mg/L for FDS (as an annual average) for pistachio wastewater processing and discharge.¹⁵ For Citrus wastewater processing and discharge, the CVWB set a monthly average maximum daily flow limit of 0.08 mgd for the Citrus Facility’s discharge to the land application areas (LAAs).¹⁶

As discussed in Section 5, the Facilities’ operations have plagued the Terra Bella community with nuisance odors for decades. Community members report strong foul odors that travel with the wind in the early mornings and evenings.¹⁷ As discussed above, these extreme odors have resulted in significant health impacts, including headaches, respiratory issues, as well as an overall reduction in their quality of life.¹⁸

¹² Tentative WDR, at 5.

¹³ Setton Pistachio Treated Wastewater Land Application Expansion Project State Clearinghouse No. 2023030410, <https://ceqanet.lci.ca.gov/2023030410/2> (Last visited June 3, 2026), at 2-3.

¹⁴ Setton Pistachio Treated Wastewater Land Application Expansion Project State Clearinghouse No. 2023030410, <https://ceqanet.lci.ca.gov/2023030410/2> (Last visited June 3, 2026).

¹⁵ Final WDRs, at 42, IS6.

¹⁶ Final WDRs, at IS6.

¹⁷ Exhibit 5 (March-May 2025 Complaints & Emails).

¹⁸ Odor nuisance impacts on health are well-documented and recognized in academic studies and by governmental institutions. *See, e.g.*, National Institute of Environmental Health Sciences, *Air Pollution and Your Health* <https://www.niehs.nih.gov/health/topics/agents/air-pollution> (Last visited June 2, 2026).

Setton Pistachio generates more than 150 million pounds of pistachio hull biomass as part of its operations.¹⁹ To the best of petitioners' knowledge, Setton Pistachio sends pistachio hull biomass (pistachio hulls, shells, leaves, and branches) to a third-party composting facility, although it is unclear whether it also creates compost on-site.²⁰ Dischargers store large quantities of compost at the Facilities and apply compost to the LAAs.²¹ The Facilities' compost processing and/or application operations also appear to create odor nuisance conditions that negatively impact the nearby Terra Bella community.²²

ARGUMENT

I. The WDRs Fail to Comply with the Antidegradation Policy.

The Antidegradation Policy has a two-step process to protect high-quality waters. The first step requires that before any degradation of high-quality waters, including groundwater, occurs, 1) the water boards must demonstrate that the change will be consistent with the maximum benefit to the people of the State, 2) it will not unreasonably affect present and future beneficial uses of such water, and 3) it will not result in water quality less than prescribed in the policies.²³ The second step requires that any discharges allowed in WDRs must use best

¹⁹ Setton Farms, Sustainability, <https://www.settonfarms.com/sustainability> (last visited Apr. 7, 2026); Lisa Parrish, Meet the Grower: Setton Pistachio of Terra Bella, Inc. in Terra Bella, Calif., Center For The Advancement of Foodservice Education, <https://cafemeetingplace.com/meet-the-growers/item/2984-meet-the-grower-setton-pistachio-of-terra-bella-inc-in-terra-bella-calif>.

²⁰ Final WDRs, at 9 (Finding 34); *Organic Pistachios*, <https://www.settonfarms.com/organic>; Exhibit 7 (October 2025 Setton Response).

²¹ Final WDRs, at 9 (Solids removed from the waste stream at the sloped screens and those removed during the various screening systems are collected and trucked offsite by a licensed transportation company for disposal at a permitted facility, composting, or used for animal feed).

²² Nuisance odors are often worsened by rainy events as the facilities will have to dredge up wastewater ponds on the property that collect rainwater in the off season *See* Exhibit 5 (March-May 2025 Complaints & Emails); Exhibit 6 (October 2025 Complaints & Emails); Exhibit 7 (October 2025 Setton Response); Exhibit 1 (CRLA April 8th Comment Letter, at 18).

²³ State Water Resources Control Board, Resolution 68-16: Statement of Policy with Respect to Maintaining High-Quality Waters in California, (Oct. 28, 1968), https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf; *Asociacion de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Bd.*, 210 Cal. App. 4th 1255, 1279.

practicable treatment or control (“BPTC”) in order to prevent nuisances or pollution in the WDRs.²⁴ However, the CVWB violates the Antidegradation Policy as the Order allows for the degradation of high-quality waters without meeting any of these fundamental requirements.

A. The CVWB fails to properly analyze whether degrading groundwater underlying the Facilities is consistent with providing the maximum benefit to the people of the State, in violation of the Antidegradation Policy.

The Antidegradation Policy requires existing high-quality water to be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State.²⁵ Under *AGUA v. State Water Resources Control Board*, at 1279, maximum benefit to the people should be examined through the following factors: 1) past, present, and probable beneficial uses of the water, 2) economic and social costs, tangible and intangible, of the proposed discharge compared to the benefits, 3) environmental aspects of the proposed discharge, and 4) the implementation of feasible alternative treatment or control methods.²⁶

The Antidegradation Policy applies to this Order because the CVWB allows discharges into high-quality waters.²⁷ However, the CVWB fails to analyze whether the WDRs would provide the maximum benefit to the people of the State.

²⁴ State Water Resources Control Board, Resolution 68-16: Statement of Policy with Respect to Maintaining High-Quality Waters in California, (Oct. 28, 1968), https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf; *AGUA*, at 1282.

²⁵ State Water Resources Control Board, Resolution 68-16: Statement of Policy with Respect to Maintaining High-Quality Waters in California, (Oct. 28, 1968), https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf.

²⁶ *AGUA*, at 1262, 1279.

²⁷ Final WDRs, at 31-32 (The CVWB acknowledges that groundwater underneath the Facilities is considered high-quality); Final WDRs at 21-23, 36, IS4 – IS7 (The CVWB acknowledges that the discharge allowed under the WDRs may cause or contribute to nitrate and salinity in surrounding groundwater).

The WDRs conclude that the WDRs are consistent with the maximum benefit of the people of the State based only on the Facilities' contribution to the local economy.²⁸ The CVWB's finding is inadequate because it fails to evaluate almost all other elements required in *AGUA*. In particular, the CVWB fails to examine past, present, and probable beneficial uses of water and does not discuss the economic and social costs of the high volumes of waste into the underlying groundwater, including the economic, health, and quality of life resulting from drinking water contamination.²⁹ Additionally, the CVWB fails to discuss the environmental impacts of the discharge allowed; nor does the CVWB discuss the implementation of feasible alternative treatment or control methods.

B. The CVWB fails to properly analyze whether degrading groundwater underlying the Facilities will unreasonably affect present and anticipated beneficial uses of the water, in violation of the Antidegradation Policy.

WDRs must not unreasonably affect present and anticipated beneficial uses of groundwater and must not authorize ongoing degradation that would conflict with water quality objectives.³⁰ Unfortunately, the CVWB also fails to do so in the WDRs.

AGUA emphasizes that permitting frameworks must be evaluated based on whether they effectively prevent pollution, nuisance, or degradation of groundwater resources, particularly where beneficial uses include domestic water supply.³¹ However, the CVWB fails to demonstrate that the discharge allowed by the WDRs will not unreasonably affect beneficial

²⁸ Final WDRs, at 36-37.

²⁹ *Environmental Law Foundation v. State Water Resources Control Bd.*, 89 Cal. App. 5th 451, 496 (providing that the degradation of groundwater to the community must have equivalent benefits in where societal benefits outweigh the costs associated with the effect to be compliant with the Antidegradation Policy).

³⁰ *AGUA*, at 1263; State Water Resources Control Board, Resolution 68-16: Statement of Policy with Respect to Maintaining High-Quality Waters in California, (Oct. 28, 1968), https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf.

³¹ *AGUA*, at 1280.

uses, in particular domestic uses. The WDRs provide that beneficial uses of underlying groundwater at the Facilities are municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PRO).³² The CVWB also acknowledges the potential for constituents (organics, salts, nitrogen, iron, and manganese) in the effluent to degrade groundwater quality and/or affect beneficial uses.³³

The CVWB incorrectly claims that Dischargers are exempt from the Antidegradation Policy because they participate in the CV-SALTS Program. With regard to beneficial uses, the CVWB argues that the Order does not need to include effluent limits for nitrates due to the Dischargers' participation in the CV-SALTS Nitrate Program.³⁴ This argument is flawed since the WDRs must comply with both the Antidegradation Policy and the Tulare Basin Plan.³⁵ Additionally, the CVWB failed to include effluent limits for the discharge of Total Dissolved Solids ("TDS") without explanation. The CVWB's failure to establish effluent limits for nitrate and TDS, which are necessary to ensure that Dischargers meet water quality objectives and that they do not unreasonably harm beneficial uses including domestic uses, violates the Antidegradation Policy. Section 2, *Infra*, regarding the CVWB's failure to ensure that discharges allowed in the Order meet water quality objectives.

C. The CVWB failed to ensure that the water quality is not less than prescribed in the policies.

The CVWB has also failed to take proper steps to ensure that water quality is preserved by not creating clear objectives to ensure near-term degradation does not have lasting

³² Final WDRs, at 26.

³³ Final WDRs, at 32.

³⁴ Regional Water Quality Control Board, Response to Written Comments for Setton Pistachio of Terra Bella, Inc, and Porterville Citrus, Inc., at 7.

³⁵ *AGUA*, at 1263 (In *Agua* case established that "[s]ince a waste discharge requirement implements a basin plan, it must conform to the state policy for water quality control, which includes the states Antidegradation Policy.").

implications.³⁶ The State Water Board must require the CVWB to create an actionable plan that water quality objectives are in line with the Tulare Lake Basin Plan. Further discussed in Section 2, *Infra*.

D. The CVWB fails to provide the best practicable treatment or control, including additional and more stringent effluent limitations, to ensure that no pollution or nuisance will occur and that the highest quality water quality be consistent with maximum benefit to the people of the State will be maintained.

The CVWB also fails to require the Dischargers to use best practicable treatment or control to prevent nuisances or pollution in the WDRs, thereby violating step 2 of the requirements of the Antidegradation Policy.

Any activities that result in the discharge of waste or an increased volume or concentration of waste to existing high-quality water are required to meet waste discharge requirements that will result in the best practicable treatment or control of the discharge necessary to avoid a pollution or nuisance and to maintain the highest water quality consistent with the maximum benefit to the people of the State.³⁷ When issuing WDRs, the water boards must provide findings sufficient to comply with the Antidegradation Policy.³⁸ In terms of costs, the water boards should consider current technologies and costs, and may, where appropriate, consider federal requirements setting forth the best available technology.³⁹

³⁶ *AGUA*, at 1280-1281.

³⁷ State Waste Resources Control Board, Resolution No. 68-16, p. 1 (1968), https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf; *AGUA*, 1255, 1278 & 1282.

³⁸ *AGUA*, at 1263 (In *Agua* case established that “[s]ince a waste discharge requirement implements a basin plan, it must conform to the state policy for water quality control, which includes the states Antidegradation Policy.”)

³⁹ State Waste Resources Control Board, Resolution No. 68-16, p.5 (1995); *AGUA*, at 1282; 1284.

The CVWB states that certain measures required in the WDRs constitute BPTCs, and that the measures “will minimize the extent of water quality impacts resulting from the Facilities” discharge.⁴⁰ The required measures are:

- Treatment of the Facilities’ process wastewater utilizing sloped bar screens, Fiber Filter (“FF”) 30 screens, FF-12, Filtomatic screening systems, and a centrifuge to remove/reduce solids;
- Storage of process wastewater, in all but the West and East Ponds, in lined ponds/structures;
- Wastewater application to LAAs at agronomic rates;
- Biochemical Oxygen Demand (“BOD”) cycle average loading limit of 100 lbs/acre/day Wastewater retention times in all the onsite wastewater ponds limited to two hours or less;
- Wastewater retention times in all the onsite wastewater ponds limited to two hours or less;
- Compliance with a Performance-Based Effluent Limit for Fixed Dissolved Solids (“FDS”);
- Participation in and compliance with the Salt and Nitrate Control Programs;
- Preparation and implementation of a Metals (Iron and Manganese) Evaluation and Minimization Work Plan; and
- Preparation and implementation of a Wastewater and Nutrient Management Plan.⁴¹

⁴⁰ Final WDRs, at 36 (Paragraph 106).

⁴¹ Final WDRs, at 36 (Paragraph 106).

Unfortunately, the CVWB has failed to provide any support that the measures will avoid pollution, prevent nuisance, or maintain the highest groundwater quality consistent with the maximum benefit of the people of the State. Although the CVWB claims that the measures will minimize water quality impacts, the CVWB has equally failed to provide any support for its claim. Indeed, the WDRs themselves reveal that many of these measures will not be effective in avoiding or minimizing water quality impacts. Additionally, the CVWB ignored Petitioner's recommendations on additional or more stringent measures that would allow them to avoid pollution and prevent nuisance.

(i) The Flotation Filtration (FFS) System Will Not Avoid Pollution. The CVWB Must Also Require Dischargers to Use the Dissolved Air Flotation (“DAF”) System.

Dischargers originally proposed to use both a DAF and a FFS system when they sought and received conditional use permit from Tulare County in 2024.⁴² The DAF system employed chemical additives to facilitate solid removal, whereas the Flotation Filtration system operates without the use of chemicals. However, Dischargers unilaterally decided to only install a FFS system, informing the CVWB of this decision in the 2025 Report of Waste Discharge.⁴³ Around August 2025, Dischargers also constructed a new wastewater pond, known as the Bella Pond, near the existing stormwater and wastewater ponds, with a capacity of approximately 1.49 million gallons.⁴⁴ Dischargers also installed a centrifuge system.⁴⁵ Neither Dischargers nor the CVWB have demonstrated the efficacy of only using the FF and centrifuge system to treat

⁴² Final WDRs, at 37 (Paragraph 109).

⁴³ Final WDRs, at IS.2-IS.3.

⁴⁴ Final WDRs, at IS.3.

⁴⁵ Final WDRs, at IS.3.

wastewater from the Facilities. In fact, the Order demonstrates that the FFS and centrifuge system alone is ineffective for avoiding pollution and preventing nuisance from the Facilities. *See Section VII.* The State Water Board must direct the CVWB to require Dischargers to install the DAF system, or show why the FFS system alone would effectively avoid pollution.

(ii) The CVWB Must Require Dischargers to Line the East and West Ponds to Ensure That All Wastewater Ponds Avoid Pollution.

The CVWB's conclusion that the WDR's measures will avoid or minimize pollution is also erroneous and unsupported because the CVWB has failed to require Dischargers to line the East and West Ponds, where there is ample evidence of nitrate discharge.

In the WDRs, the CVWB acknowledges that nitrate concentrations in groundwater have been reported as high as 24 mg/L in a former supply well just west of the unlined East and West Ponds.⁴⁶ Additionally, data from eight existing monitoring wells (MW-1 to MW-8) collected between 2016 and 2018 indicate nitrate concentrations reaching 24 mg/L in MW-5 and 23 mg/L in MW-2, which are both located near the unlined ponds.⁴⁷ MW-1 recorded a maximum nitrate concentration of 12 mg/L, with two additional monitoring wells reporting levels just below 9.8 and 9.9 mg/L.⁴⁸ The monitoring wells are located west of the Facilities and downgradient of the LAAs, in proximity to the unlined East and West Ponds.

Although Petitioner requested that the CVWB require Dischargers to line the East and West Ponds, the CVWB declined to amend the WDRs to include this requirement. The CVWB failed to provide any explanation as to why this option was not appropriate, only that the CVWB

⁴⁶ Tentative WDR, at 22.

⁴⁷ *Id.*

⁴⁸ Final WDRs, at 22.

did not want to make it a requirement because similar increases were observed on a broader scale.⁴⁹ Relatedly, while the measure to require wastewater to remain in ponds for a maximum of two hours will likely reduce odor nuisance, it will be largely immaterial for preventing groundwater pollution unless all of the Facilities' ponds are lined.

The State Water Board must direct the CVWB to require Dischargers to line the East and West Ponds to avoid groundwater pollution.

(iii) The Requirement That Dischargers Apply Wastewater to LAAs at Agronomic Rates is Not BPTC Because It Will Not Avoid Pollution.

While the CVWB claims that allowing Dischargers to apply wastewater at agronomic rates is BPTC that will avoid pollution, this finding is unsupported. The Final June 4, 2026, WDRs Order does not define agronomic rates. In another order by CVWB, agronomic rate is defined as, “The rate of application of nutrients in amounts necessary to satisfy the plants nutrient demand (uptake) while minimizing movement of nutrients below the root zone, considering the crop, soil, climate, irrigation method, and efficiency.”⁵⁰ Additionally, the agronomic rate should account for leaching fraction and factors that impact plant available nitrogen (e.g., nitrogen loss from denitrification, volatilization, and soil storage).⁵¹ The agronomic rate must account for nutrient loading from all sources (e.g., process wastewater, irrigation water, fertilizers, process solids, and soil amendments).⁵²

⁴⁹ Response to Written Comments for Setton Pistachio of Terra Bella, Inc. and Porterville Citrus, Inc., at 5.

⁵⁰ Tentative WDR Order R5-2026-XXX for “General Waste Discharge Requirements for Fruit and Vegetable Packing Facilities Within the Central Valley Region (Packing General Order)”, at A.1.
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/packing_go/packing_go_wdrs.pdf

⁵¹ Tentative WDR Order R5-2026-XXX for “General Waste Discharge Requirements for Fruit and Vegetable Packing Facilities Within the Central Valley Region (Packing General Order)”, at A.1.
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/packing_go/packing_go_wdrs.pdf

⁵² Tentative WDR Order R5-2026-XXX for “General Waste Discharge Requirements for Fruit and Vegetable Packing Facilities Within the Central Valley Region (Packing General Order)”, at A.1.

Fundamentally, the CVWB's conclusion that crop uptake is significantly higher than the loading rates of nitrogen, salt in the form of FDS, and other constituents is incorrect. While the CVWB provides that nitrogen loading rate for pistachio and wheat land application areas is 154 lb/ac/year, its October 2025 Review of the September RWD provides that total nitrogen wastewater discharge rate is 286 lb/acre/year.⁵³ Second, the estimated 208 to 338 lb/ac/yr crop uptake of nitrogen is unsupported.⁵⁴ In fact, Dischargers estimate that crop uptake is expected to only be 100 to 225 lbs/acre/year. The CVWB also improperly defers to a future nutrient management plan to define agronomic rates. *See Section (I)(D)(7).*

Additionally, allowing Dischargers to apply wastewater at agronomic rates will not avoid pollution. As discussed in *Section (I)(D)(5) and (6)*, the CVWB fails to and must set a nitrogen effluent limit or a TDS effluent limit. And, the effluent/loading limits it establishes for FDS and BOD are simply based on current and future estimated loading and must be updated, as discussed in *Sections (II) (D) (4) and (5)*.

(iv) The 100 lb/acre/year BOD Loading Limit is Unsupported and Will Not Avoid Pollution. The CVWB Must Establish a 50 lb/acre/year BOD Loading Limit.

The Dischargers' 2025 Waste Discharge Report disclosed that Dischargers overapplied wastewater to the Facilities' land application areas, resulting in elevated levels of BOD.⁵⁵ This overapplication compelled CVWB to limit BOD loading to 100 lbs/acre/day. However, the CVWB has failed to provide any support on how this loading limit constitutes BPTC.

https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/packing_go/packing_go_wdrs.pdf

⁵³ Final WDRs, at 16 (Table 6); October 17, 2025 Review of September 19, 2025 Revised Report of Wastewater Discharge, at 7 (Table 2).

⁵⁴ Final WDRs, at 16 (Table 6).

⁵⁵ Final WDRs, at 12.

Similar to the FDS effluent limit as discussed in *Section (I)(D)(5), Infra*, the BOD loading limit appears to have been established based on Discharges' BOD loading average over the past several years and anticipated peak BOD loading, rather than a limit that will be sufficient to avoid pollution. The CVWB states that "It is expected that even at peak harvest season loading, when greater than average BOD5 concentrations have been observed, the Discharger should be able to manage the discharge to achieve cycle BOD loading rates less than 100 lbs/ac/day by using the available additional acreage."⁵⁶

The State Water Board must direct the CVWB to revise the WDRs to establish a BOD loading limit of 50 lb/acre/day to minimize pollution and protect water quality. The WDRs acknowledge that lower levels of BOD are necessary to prevent nuisance conditions or leaching of metals.⁵⁷ Reducing the BOD loading to 50 lb/acre/day in order to truly minimize salinity discharge into the underlying groundwater.⁵⁸

(v) The Effluent Limit for FDS Is Unsupported and Will Not Avoid Pollution.

The CVWB recognizes that concentrations of TDS and FDS observed in average wastewater discharge exceed the receiving water limitations and, therefore, the discharge may degrade the receiving water regarding salinity.⁵⁹ However, the CVWB has not provided an explanation for its failure to establish a TDS effluent limitation, despite TDS being the standard measure for assessing salinity AND widely accepted in groundwater protection and water quality regulation.

⁵⁶ Final WDRs, at 16.

⁵⁷ Final WDRs, at 31, (referencing the California League of Food Processor' Manual of Good Practice for Land Application of Food Processing/Rinse Water).

⁵⁸ *Id.* (Finding 96 provides that BOD loading rate of less than 50 lb/acre/day is ideal.).

⁵⁹ Final WDRs, at 12-14.

Additionally, the TDS concentrations recorded in Bella Pond from September through October are problematic, as levels ranged from 6,000 to 9,500 mg/L. The 2025 Pistachio effluent quality was 7,750 mg/L. These are high TDS concentrations that persist even after wastewater from Bella Pond is treated. The average observed effluent TDS concentration is greater than 7,000 mg/L, which could degrade the underlying groundwater if not applied agronomically. With average effluent TDS levels exceeding 7,000 mg/L, there is a significant potential for detrimental impacts to the underlying groundwater. A WDR Plan must detail “monitoring, operation, and maintenance of the lined ponds and containment structure at the Facilities, and the overall wastewater treatment”.⁶⁰ The amount of salts and nitrates discharged must be regulated to prevent further degradation. A WDR limit for TDS is needed since TDS is the more commonly used regulatory indicator for salinity impacts in groundwater and drinking water.⁶¹

The concentration in the Bella pond has been exceeding the proposed FDS limit concentration. Although the CVWB created a performance-based annual effluent limit for FDS of 3,300 mg/L, the CVWB failed to provide any support that this effluent limit would reduce, let alone minimize or avoid, impact to the underlying groundwater.⁶² The CVWB noted average FDS discharges from 2022 to 2025, as well as regional groundwater FDS concentration data from July 1951 to December 2022.⁶³ The CVWB appeared to establish the effluent limit for FDS just above the average FDS discharge by the Dischargers during this time period. However, the CVWB failed to explain how to set an effluent limit just above the average FDS constituted BPTCs.

⁶⁰ Final WDRs, at 47.

⁶¹ Final WDRs, at 35.

⁶² Final WDRs, at 40.

⁶³ Final WDRs, at 28.

Additionally, from September to October in the 2025 RWD, FDS levels in the Bella pond ranged from 3,500 to 6,500, significantly surpassing the proposed FDS limits. Notably, the 2025 Pistachio effluent quality for FDS was 3,400 mg/L, which was also above the proposed limit of 3,300 mg/L.⁶⁴ This indicates that the WDRs provide little pressure to improve salinity management effectively.

The CVWB must lower FDS for effluent limitations and adopt a TDS limitation. At a minimum, the CVWB must establish a timeline for reducing high salinity levels in effluent discharges, as current TDS and FDS concentrations exceed acceptable limits, degrading groundwater quality.

(vi) The CVWB Failed to and Must Adopt an Effluent Limit for Nitrate.

The CVWB argues that it is not required to establish an effluent limit for nitrate because Dischargers participate in the CV-SALTS program. While the CV-SALTS program aims to mitigate salt and nitrate pollution, it does not relinquish the CVWB's and Dischargers' responsibility under the Antidegradation Policy to *avoid* pollution and prevent nuisance from discharges allowed under these WDRs.⁶⁵ In particular, the CV-Salts Program does not actively remove salt or nitrate contaminants from the Facilities, meaning it fails to provide enforceable, specific facility controls for preventing immediate groundwater degradation. "In addition, the SNMP and supporting studies identified that the cost for treating groundwater exceeding the 10 mg/L maximum contaminant level for nitrate to be in the range of \$36 to \$81 billion, where it would take more than 70 years for groundwater to not exceed the MCL."⁶⁶ Current or future

⁶⁴ Final WDRs, at IS-4 – IS-5.

⁶⁵ Final WDRs, at 16.

⁶⁶ Central Valley Water Board, RESOLUTION R5-2020-0057 Revisions to the Amendment to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin to Incorporate A

pollution mitigation cannot substitute for the need for the CVWB to immediately implement BPTC by the Facilities.

As discussed above in *Section (I)(D)(3)*, nitrate loading and crop uptake included in the Order are unsupported or incorrect. The CVWB must re-calculate and verify these numbers. Regardless of purported nitrate loading and crop uptake estimates, groundwater data demonstrating high nitrate levels collected within and near the Facilities underscores the urgent need for the CVWB to set nitrate effluent limits for the Facilities to avoid pollution. *See Section (I)(D)(2), supra*. Similarly, the WDRs and petitioners' April 8, 2026, comment letter document rising nitrate levels at the Facilities and in the groundwater underneath the Facilities.⁶⁷

Given the high concentrations and overall volume of nitrate discharged by the Facilities and clear evidence that discharges have and will likely result in further groundwater degradation, the CVWB must establish an effluent limit for nitrate as nitrogen to ensure that nitrate discharges do not cause or contribute to the exceedance of the groundwater quality objective of 10 mg/L.

(vii) Dischargers Have Not and Must Create a Nutrient Management Plan and the Operations and Maintenance Plan Prior to the Adoption of the Revised WDRs.

The CVWB's requirement for Dischargers to develop a nutrient management plan ("NMP") and operations and maintenance plan *after* the adoption of the WDRs is not a BPTC.

The Order provides that a nutrient management plan is required to ensure that wastewater, irrigation water, fertilizers, compost, or other amendments are applied at agronomic

Central Valley-Wide Salt and Nitrate Control Program (2020), at 31, https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2020-0057_res.pdf.

⁶⁷ Exhibit 1-3; Terra Bella Voice for Change, along with other concerned community members of Terra Bella, rely on groundwater for their health and wellbeing and have experienced and continue to experience nuisances in the community. During the June 4, 2026, hearing, community members raised important concerns about the negative health impacts of pollutions and nuisances affecting the community.

rates to the LAAs, with adjustment for soil nutrient availability and incorporation of plant tissue sampling results.⁶⁸ Additionally, the operation and maintenance plan shows the details of the Discharger's monitoring, operation, and maintenance of the lined ponds, and containment structure at the Facility.

A nutrient management plan is necessary to ensure that the Dischargers meet several other requirements of the Order. For instance, the CVWB requires the Dischargers to apply wastewater to the LAAs at "agronomic rates".⁶⁹ However, this conclusion is not supported in the Order—nowhere does the Order discuss what agronomic rates are. Instead, the CVWB improperly relies on a future NMP to define agronomic and apply wastewater at rates they deem agronomic. Similarly, the CVWB improperly relies on the Dischargers' future NMP to account for compost, as discussed in *Section IV, infra*.

The State Water Board should direct the CVWB to require Dischargers to submit a nutrient management plan prior to the CVWB's adoption of a revised Order.

(viii) Additional Measures

To ensure that the Dischargers are applying wastewater uniformly on land application areas, which would prevent pooling and potential odor nuisances, petitioner also requests that the State Water Board direct the CVWB to require the Dischargers to regularly gather and publish moisture data from applied areas.

Petitioner also requests that the State Water Board direct the CVWB to require Dischargers to test and provide drinking water to nearby domestic wells. The CVWB claims that

⁶⁸ Final WDRs, at 47- 49.

⁶⁹ Final WDRs, at 36.

the WDRs do not need to mandate that the Discharger test domestic wells because the Discharger participates in the CV SALTS Program, which provides drinking water to residents with contaminated wells and conducts its own testing of domestic wells.⁷⁰ However, that rationale is unsupported. First, as discussed previously, Dischargers are required to comply with both the CV-SALTS Program and the Antidegradation Policy in these WDRs.⁷¹ Second, the CVWB acknowledges that ample evidence in the WDRs and from petitioners shows that discharges may result in nitrate and salt contamination in the underlying aquifer.

Therefore, the State Water Board should direct the CVWB to require Dischargers to regularly test groundwater wells in the Terra Bella community, which will provide additional data to allow the CVWB to require additional measures to avoid further groundwater nitrate and salt pollution from Dischargers. Additionally, given clear evidence that the Facilities have and will likely continue to contaminate nearby groundwater, the State Water Board should direct the CVWB to require Dischargers to provide alternative water supplies to Terra Bella residents to avoid further health harms from groundwater pollution that may result from the Facilities.

II. The CVWB Failed to Protect Groundwater Beneficial Uses and Ensure that Discharges Do Not Cause or Contribute to the Exceedance of Water Quality Objectives Related to Groundwater Nitrate and Salinity.

The Porter-Cologne Water Quality Control Act (“Porter-Cologne”)⁷² and the Tulare Lake Basin Plan require that all discharges of nitrate and salt ultimately come into compliance with

⁷⁰ Response to Comments, at 12.

⁷¹ *AGUA*, at 1263 (In *Agua* case established that “[s]ince a waste discharge requirement implements a basin plan, it must conform to the state policy for water quality control, which includes the states Antidegradation Policy.”).

⁷² See Water Code, §§ 13242 [program to achieve water quality objectives], 13263 [waste discharge requirements must “implement any relevant water quality control plans that have been adopted”].

water quality objectives by ceasing to cause and contribute to exceedances of water quality objectives, pollution, and nuisance.⁷³ WDRs must also protect beneficial uses.⁷⁴ The Tulare Lake Basin Plan establishes water quality objectives to protect beneficial uses, including the numeric groundwater objective of 10 mg/L for nitrate related to domestic use and municipal supply (“MUN”). TDS, FDS, potassium, and electrical conductivity (“EC”) are indicators of salt contamination of groundwater.⁵⁶ The Basin Plan also established a numeric groundwater objective for TDS at of 500 mg/L, while its upper and short-term MCLs are 1,000 mg/L and 1,500 mg/L, respectively.⁷⁵

A. The CVWB Fails to and Must Set Nitrate Effluent Limits to Ensure that Discharges Do Not Cause or Contribute to the Exceedance of Water Quality Objectives.

As discussed in *Section 2, supra*, the Facilities’ Discharges have likely resulted in negative water quality impacts regarding nitrate to nearby groundwater. However, the CVWB fails to and must set nitrate effluent limits to ensure that Dischargers no longer cause or contribute to the exceedance of the 10 mg/L water quality objective for groundwater nitrate MUN.

⁷³ 23 CCR 3949.16.; 73 Cal Wat Code § 13263; *AGUA*, at 1280; State Water Resources Control Board, Guidance Memorandum 6 (Feb. 16, 1995) (“They include “past, present, and probable future uses and include domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.””).

⁷⁵ Cal. Code Regs. tit. 22, § 64449.

B. The Order’s FDS Effluent Limit Will Not Ensure that Discharges Do Not Cause or Contribute to the Exceedance of Water Quality Objectives. The CVWB also Fails to and Must Set a TDS Effluent Limit.

The CVWB set an insufficient FDS loading limit of 3,300 mg/L, as discussed in Section 2, *supra*. Although the Basin Plan established a 500 mg/L water quality objective for TDS, with upper and short-term MCLs of 1,000 mg/L and 1,500 mg/L, the CVWB has failed to set a TDS loading objective for this constituent.

Historical groundwater data from 1951-1958 show relatively low levels for key salinity indicators, including TDS.⁷⁶ However, FDS and TDS concentrations from pistachio wastewater effluent discharged averaged 3,002 mg/L for FDS and 7,546 mg/L for TDS from 2022 to 2025.⁷⁷ Data from monitoring wells at the Facilities show that TDS concentrations are also elevated, ranging from 260 mg/L to 520 mg/L.⁷⁸

The CVWB acknowledges that “[t]he concentrations of TDS and FDS observed in average process wastewater exceed the receiving water concentrations and, therefore, the discharge may degrade receiving water regarding salinity”.⁷⁹ Regarding FDS, the CVWB also recognizes that “anticipated effluent FDS concentration is more than ten times the observed concentrations of FDS in source well.”⁸⁰ Given the high concentrations of TDS and FDS observed in the Facilities’ wastewater, the Order’s insufficient FDS loading limit of 3,300 mg/L

⁷⁶ Final WDRs, at 22-23 (“Historical EC results ranged from 280 to 483 μ mhos/cm, and nitrate results were low with the exception of one 13 mg/L result in a sample collected from a domestic well. The results indicate historically good groundwater quality and provide background data for EC, TDS, and nitrate for the area.”).

⁷⁷ Final WDRs at 13 (Table 5).

⁷⁸ Final WDRs, at 22-23 (Table 10).

⁷⁹ Final WDRs, at 33.

⁸⁰ Final WDRs, at 32.

and lack of TDS loading limit altogether will likely cause and contribute to the exceedance of water quality objectives and harm beneficial uses.

The CVWB argues that it was not required to set nitrate or TDS effluent limits because the Order sets strict requirements and the Dischargers participate in the CV-SALTS Program.⁸¹ The Dischargers' enrollment in the CV-SALTS program does not exempt them from ensuring that water quality objectives are met or that beneficial uses are protected under the WDRs. In fact, the CVWB acknowledges that simply allowing the Dischargers to comply with the CV-SALTS program enables waste discharges that could negatively impact certain beneficial uses in both surface and groundwater.⁸²

The State Water Board must direct the CVWB to establish a significantly lower FDS effluent limit and a TDS effluent limit to ensure that Dischargers do not continue to cause or contribute to the exceedance of water quality objectives related to salinity, to ensure that the Order protects groundwater beneficial uses.

III. The WDRs Must Have a Strict Odor Prohibition, Establish Clear Consequences For and Enforce Nuisance Odor Violations, and Require the Dischargers to Create an Actionable Plan to Prevent Nuisance Odors.

The Facilities' wastewater treatment operations and discharge have resulted in ongoing odor nuisances that impact the health and safety of the nearby Terra Bella community. *See* Section 5, *supra*. Odor nuisances are demonstrated by more than 50 odor complaints between 2019 and 2025. In October 2025, only six months after the CVWB rescinded the Cease-and-Desist Order, the Air District received odor complaints due to an accumulation of wastewater

⁸¹ Response to Comments, at 6-7.

⁸² Final WDRs, at 38 (Other Regulatory Considerations).

and compost near the Facilities' wastewater ponds.⁸³ Despite continuous and egregious odor nuisances, the CVWB fails to require the Dischargers to adopt a comprehensive approach to prevent, manage, and mitigate odor impacts in this Order. In fact, the Order improperly relaxes the strict odor prohibition included in WDR Order No. 92-191. WDRs must include clear and enforceable measures to prevent odor nuisance in the nearby Terra Bella community.

A. The CVWB Improperly Relaxes Strict Odor Prohibition Contained in Order No. 92-191, in violation of the Antidegradation Policy. The State Board Must Reinstate the Nuisance Odor Prohibition Required in Order No. 92-191.

The Antidegradation Policy requires that any activities resulting in waste discharge in high-quality waters shall adopt BPTC to ensure that pollution or nuisance will not occur.⁸⁴

Section 13050 of the Water Code provides the following definition of nuisance:

Nuisance means anything that meets all of the following requirements:

- 1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;
- 2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal;
- 3) Occurs during, or as a result of, the treatment or disposal of wastes.⁸⁵

⁸³ Exhibit 6 (October 2025 Complaints & Emails); Exhibit 7 (October 2025 Setton Response to Complaints & Emails).

⁸⁴ State Waste Resources Control Board, Resolution No. 68-16, p. 1 (1968), https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf; *AGUA*, at 1260.

⁸⁵ California Water Code § 13050.

Order No. 92-191 included a strict nuisance odor prohibition: “Objectionable odors originating at this facility shall not be perceivable beyond the limits of property owned or controlled by the Discharger.”⁸⁶ However, the CVWB relaxes the odor prohibition in the WDRs in Discharge Specifications F.4, where: “Objectionable odors shall not be perceivable beyond the limits of the Facilities’ property *at an intensity that creates or threatens to create nuisance conditions.*”⁸⁷ Relatedly, the WDRs also provide that application of waste to the LAAs “shall be at reasonable agronomic rates to preclude creation of nuisance”⁸⁸ and that the discharge of waste, including during treatment and storage activities, shall not occur in a manner that results in conditions of “nuisance” or “pollution”.⁸⁹

Discharge Specification F.4 violates the Antidegradation Policy. The CVWB changes the previous, bright-line prohibition of objectionable odors beyond the Facilities’ limits to allowing objectionable odors so long as they do not occur at an “intensity that creates or threatens to create nuisance conditions,” which exceeds the scope of Section 13050.⁹⁰ The CVWB also offers no clarifying language regarding level(s) of intensity that would create or threaten to create nuisance conditions, making this condition both subjective and unenforceable.

The CVWB’s decision to relax the nuisance odor prohibition is especially alarming given the Dischargers’ long history of violating the strict prohibition under Order No. 92-191, as demonstrated by numerous odor complaints to both the CVWB and the Air District both while the CDO was in place and after it was rescinded in April 2025.⁹¹ Ultimately, Discharge

⁸⁶ CVWB, WDRs Order No. 92-191, at 4 (Discharge Specification B.2).

⁸⁷ Final WDRs, at 43 (Discharge Specifications F.4)(emphasis added).

⁸⁸ Final WDRs, at 45.

⁸⁹ Final WDRs, at 40 (Discharge Specifications F.4), 42 (Requirement F.4).

⁹⁰ Final WDRs, at 43.

⁹¹ Exhibits 3-7.

Specifications F.4 will likely result in continued odor nuisances that will further harm the health and safety of nearby residents.

The State Board should direct the CVWB to reinstate the strict nuisance odor prohibition under Order No. 92-191 to ensure the health and safety of the nearby residents, consistent with the Antidegradation Policy.

B. The CVWB fails to establish clear consequences and take enforcement actions for the Facilities' nuisance odor violations.

The CVWB requires that the Dischargers regularly monitor wastewater ponds, and if odor issues arise from the ponds, the Dischargers are to increase monitoring until it is resolved.⁹² These general provisions are wholly insufficient given that the CVWB has traditionally failed to take enforcement actions against the Facilities regarding past odor nuisance and other violations. The CVWB must create an actionable plan for odor prohibition that responds to and enforces violations promptly.

The CVWB should outline specific steps to be taken when a certain number of odor complaints are lodged with the CVWB or the Air District. Additionally, there should be a clear escalation protocol for repeated failures to comply or effectively mitigate odors. These steps will ensure that the best practicable treatment is upheld to prevent pollution and nuisances. The Discharger has a lengthy history of non-compliance in the past; the local community has experienced long-term discomfort and suspicion of the Discharger's intention to follow the WDR.⁹³ Enhancing enforcement strategies will mitigate nuisance conditions to safeguard the surrounding community from the Discharger's business.

⁹² Final WDRs, at 43, IS.5.

⁹³ Exhibits 4-7; Exhibit 3 (March 20, 2025, Cease and Desist Argument).

IV. The CVWB Fails to Ensure That the Facilities' Composting Operations Will Not Result in Nuisance Conditions or Groundwater Impacts.

The Dischargers, as discussed in *Sections 3(A) and 7, supra*, in particular Setton Pistachio, apply large quantities of compost that are not being accounted for in the WDRs and result in nuisance odors and likely result in adverse groundwater quality impacts to the nearby community of Terra Bella.

The State Water Board must direct the CVWB to revise the WDRs to factor in composting into the total nitrogen and salt discharged. Additionally, the State Water Board must direct the CVWB to establish a limit on the pounds per acre of compost that can be applied or discharged at the Facilities. Accounting for and setting limits for compost application will ensure that Dischargers' composting activities do not cause odor nuisances or the degradation of groundwater, as well as reduce health impacts and improve quality of life for nearby residents. Lastly, Setton Pistachio should be mandated to do a weekly report on their waste treatment, land application, and composting activities to the community and semi-annual testing of nearby wells with annual reporting of their results to the CVWB.

A. The State Water Board must ensure that WDRs account for compost applied in calculating the Dischargers' total effluent and set compost-related nitrate and salt effluent limits.

Section 13263 of the Water Code requires regional boards to prescribe waste discharge requirements "as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge."⁹⁴ The CVWB fails to account for how compost may contribute to

⁹⁴ Cal Wat Code § 13263; CVWB, Our Duty https://www.waterboards.ca.gov/centralvalley/about_us/ (last visited June 2, 2026); *AGUA*, at 1263.

further degradation of groundwater, and fails to provide any requirements regarding compost use in violation of Section 13263.⁹⁵

In particular, the CVWB failed to safeguard local residents' groundwater quality by not accounting for compost application on the LAAs in the total effluent discharge, including nitrate and salt concentrations discharged from compost application.⁹⁶ The CVWB erroneously claims that the Monitoring and Reporting Program ("MRP") for the Order requires Dischargers to calculate for wastewater discharge from compost—the MRP only requires Dischargers to document chronological dates of fertilizer/compost application.⁹⁷ The State Water Board must direct the CVWB to quantify the contribution of nitrate, salt, and other pollutants from applying compost, as well as direct the CVWB to ensure that total discharges from applying waste and compost meet water quality objectives, as a BPTC in the WDRs. Relatedly, given that compost may also contain high concentrations of nitrate and salt, the State Water Board should mandate that the CVWB establish loading limits regarding nitrate and salt resulting from compost application at the Facilities.

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⁹⁵ Cal Wat Code § 13263.

⁹⁶ Total effluent discharge for Pistachio Effluent Monitoring (EFF-002) includes Flow, pH, EC, BOD5, FDS, TSS, TDS, Nitrate (as N), Nitrite (as N), Ammonia (as N), TKN, Total Nitrogen, Potassium, Iron, Manganese, General Minerals (MONITORING AND REPORTING PROGRAM R5-2026-0033, at 6); Nitrogen Loading accounting coming from wastewater, fertilizer/compost, supplemental irrigation water (MONITORING AND REPORTING PROGRAM R5-2026-0033, at 10).

⁹⁷ Response to Comments, at 9; MONITORING AND REPORTING PROGRAM R5-2026-0033, at 15.

B. The State Water Board should require the Facilities to provide the Terra Bella community with a weekly report on their waste treatment, land application, and composting activities.

The WDRs only require Dischargers to provide documentation and electronic reporting on nitrogen loading (for each block) from fertilizer/compost once a year to the CVWB and that compost be applied at agronomic rates to the LAA.⁹⁸

At the community workshop on March 24, 2026, residents of Terra Bella expressed concerns that, based on their experiences of the Discharger's frequent violations of the nuisance odor prohibition and other requirements of the WDR in the past, they do not trust the Discharger to comply with the WDRs. While Geotracker may provide access to various monitoring data and reports, the difficulty of accessing Geotracker and the technical language used in data and reports filed under this database make it challenging for the average resident of Terra Bella to access and understand this information.

Therefore, Petitioner requests that the State Water Board direct the CVWB to revise the WDRs to ensure direct, quarterly communication between the Dischargers and the Terra Bella community. Dischargers should communicate with Terra Bella residents regularly to ensure community members are informed of how the Facilities are complying with the WDRs, to share how the Facilities are minimizing odor and drinking water impacts to the community, as well as to avoid any misunderstandings regarding activities that are taking place at the Facilities.

V. The Order Violates the Nonpoint Source Policy.

⁹⁸ MONITORING AND REPORTING PROGRAM R5-2026-0033, at 10; Final WDRs, at 50.

The Nonpoint Source (“NPS”) Policy requires that nonpoint source control programs “achieve[] and maintain[] water quality objectives and beneficial uses,”⁹⁹ and include management practices and other elements “to ensure attainment of the implementation program’s stated purpose(s),”¹⁰⁰ where a regional board “must be able to determine that there is high likelihood that the program will attain water quality requirements”.¹⁰¹ Additionally, the “implementation program shall include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching the specified requirements.”¹⁰² Any time schedule to achieve water quality objectives “may not be longer than that which is reasonably necessary to achieve an NPS implementation program’s water quality objectives.”¹⁰³

Unfortunately, the Order does not include any quantifiable milestones or timelines, including a final compliance timeline, to ensure the Dischargers no longer cause or contribute to the exceedance of groundwater objectives for nitrate, salts, and other constituents.

The CVWB appears to defer to the Dischargers’ enrollment in the CV-SALTS program, which provides a 35-year timeline for Dischargers not to cause or contribute to the exceedance of water quality objectives for nitrate and salts.¹⁰⁴

However, this Order itself must comply with the NPS Policy. Accordingly, the Order must be revised to include interim milestones and a final compliance timeline, and to include metrics to ensure that the Dischargers cease causing and contributing to exceedances of water

⁹⁹ 2004 NPS Policy, at 12 (Key Element 1); https://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_iepolicy.pdf.

¹⁰⁰ 2004 NPS Policy, at 12 (Key Element 2).

¹⁰¹ 2004 NPS Policy, at 12 (Key Element 2).

¹⁰² 2004 NPS Policy, at 13 (Key Element 3); *Monterey Coastkeeper v. State Water Resources Control Bd.* (2018) 28 Cal.App.5th 342, 362.

¹⁰³ 2004 NPS Policy, at 13 (Key Element 3).

¹⁰⁴ Final WDRS, at 28.

quality objectives at the end of the final compliance schedule.¹⁰⁵ Additionally, the CVWB must set a final compliance timeline that is not longer than what is reasonably necessary to achieve water quality objectives.¹⁰⁶ Given the Dischargers' long history of discharging pollution in a manner that contributes to the exceedance of water quality objectives, Petitioner requests that the State Board direct the CVWB to establish a final compliance date of 2031 to ensure that water quality objectives are achieved.

VI. The WDRs Violate Water Code Section 13149.2(c).

Water Code section 13149.2, subdivision (c) mandates that: “[w]hen issuing or reissuing regional or statewide waste discharge requirements or waivers of waste discharge requirements, the state board or a regional board shall make a concise, programmatic finding on potential environmental justice, tribal impact, and racial equity considerations related to the issuance.” The finding “shall be based on readily available information identified by staff or raised during the public process.”¹⁰⁷

The finding required by Water Code section 13149.2, subdivision (c) must include: “[a] concise summary of the anticipated water quality impact in disadvantaged or tribal communities as a result of the permitted activity or facility,” and “any environmental justice concerns within the scope of the state board or regional board's authority previously raised to the applicable board by interested persons with regard to these impacts.”¹⁰⁸ The finding must also include “[i]dentification of measures available and within the scope of the state board or regional board's authority to address the impacts of the permitted activity or facility in a disadvantaged or tribal

¹⁰⁵ 2004 NPS Policy, at 13 (Key Element 3); *Monterey Coastkeeper v. State Water Resources Control Bd.* (2018) 28 Cal.App.5th 342, 362.

¹⁰⁶ 2004 NPS Policy, at 13 (Key Element 3).

¹⁰⁷ Wat. Code, §13149.2, subd. (c).

¹⁰⁸ Wat. Code §13149.2, subd. (b)(1).

community.”¹⁰⁹ While the Order contains Section 13149.2 findings,¹¹⁰ the CVWB fails to comply with Section 13149.2(c) for three reasons.

First, the CVWB’s findings fail to summarize the anticipated water quality impact on disadvantaged or tribal communities as a result of the discharge allowed. In particular, the CVWB fails to acknowledge and explain the extent of the impact of the high concentration and volume of nitrate that it allows through the Order.¹¹¹

Second, the CVWB fails to summarize concerns raised related to environmental justice issues, including those raised by Petitioner regarding impacts of the operations and discharges of the Facilities on the disadvantaged community of Terra Bella. The CVWB simply concludes that it “considered environmental justice concerns within the Board’s authority previously raised by interested persons with regard to those impacts,”¹¹² without describing what these concerns are as required under Section 13149.2(b)(1). The CVWB fails to and must summarize adverse water quality impacts, odor nuisances, and other environmental justice impacts that will continue to result from the WDRs on Terra Bella and other disadvantaged and tribal communities.

Third, the CVWB fails to describe how it addresses impacts on disadvantaged and tribal communities. The findings provide that Dischargers participate in the Salt Control Program, and that BPTC measures included in the WDRs are “intended to minimize” environmental justice impacts.¹¹³ However, this statement completely contradicts the following finding that recognizes that the Order “may result in limited increases to salinity concentrations in groundwater in the near-term [],” and that CVWB relies entirely on the Salt Control Program to “achieve long-term

¹⁰⁹ Wat. Code §13149.2, subd. (b)(2).

¹¹⁰ Final WDRs, at 37-38 (paras. 111-112).

¹¹¹ Final WDRs, at 37 (para. 111), The CVWB only provides that “These WDRs regulate Facilities that may impact a disadvantaged community and/or tribal community and include an alternative compliance path that allows the Discharger time to come into compliance with certain WQOs (i.e., nitrate)”.

¹¹² Final WDRs, at 38 (para. 111).

¹¹³ Final WDRs, at 37-38 (paras. 111 & 112).

balance and restoration, where possible”.¹¹⁴ In other words, the CVWB fails to identify how the WDRs will address environmental justice impacts because the Order does not require Dischargers to minimize water quality nor odor impacts—the CVWB acknowledges that the Order will increase salinity impacts here and in other portions of the Order.¹¹⁵ Furthermore, the findings fail entirely to identify any measures on how the WDRs address groundwater nitrate or nuisance odor impacts on disadvantaged or tribal communities. Indeed, the CVWB acknowledges that the Order will increase nitrate impacts.¹¹⁶

The State Water Board must direct the CVWB to comply with Water Code Section 13149.2(c) in the revised WDRs.

VII. The CVWB Must Complete a Supplemental Environmental Impact Report.

Under the California Environmental Quality Act (“CEQA”), a supplemental environmental impact report (“EIR”) is required when 1) substantial changes occur in the project which will require major revisions of the EIR, 2) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report, or 3) when new information becomes available that was not known and could not have been known at the time the original EIR was adopted.¹¹⁷

In October 2024, Tulare County certified a final Environmental Impact Report (“2024 EIR”) regarding the Dischargers’ proposal to change wastewater processes and expand (State Clearing House # 2023030410) (“Project”). The scope of the Project included expanding land application areas to 961 acres, increasing annual wastewater discharge to 85 million gallons per

¹¹⁴ Final WDRs, at 38 (para. 112).

¹¹⁵ Final WDRs, at 23-24, 38.

¹¹⁶ Final WDRs, at 32, 34.

¹¹⁷ Pub. Res. Code §21166; Cal. Code Regs. Title 14, §§ 15162 - 15163.

year, and installing improvements to the existing wastewater treatment facilities. The 2024 EIR included the installation of both the DAF and FF systems as mitigation measures for the significant water quality impacts resulting from the proposed discharges.¹¹⁸

The CVWB claims that further CEQA review is not necessary because “the discharges and other activities authorized under this Order fall within the scope of the project evaluated in the [2024] EIR”.¹¹⁹ None of the changes above were within the scope of the Project or the accompanying 2024 EIR.¹²⁰ This Order contains substantial changes to the Project that were not analyzed in the 2024 EIR. Major changes include 1) the conversion of the combined DAF and FF wastewater processing system to an exclusively FF system; 2) the construction of an additional pond (“Bella Pond”), near the 350-acre pond and the East and West Ponds; and 3) the addition of a centrifuge to the wastewater treatment system.¹²¹

The CVWB argues that changes to the Facilities’ treatment systems or operations under Section 15301 of the CEQA Guidelines (“Class I exemption”), which applies to the operation or minor alteration of existing structures or facilities.¹²² However, the Class 1 exemption does not apply. Removal of the DAF wastewater processing system, as well as the installation and operation of the centrifuge system and the Bella Pond, are major changes to the Facilities that

¹¹⁸ Tulare County, EIR Setton Pistachio Treated Wastewater Land Application Expansion Project, at ES-2 (EIR); 3.8-8

¹¹⁹ Final WDRs, at 37 (para. 110).

¹²⁰ 2024 EIR, at 3.8 (Setton has requested the following WDR modifications from the Central Valley RWQCB, which would establish new regulatory limits: (1) Increase in the maximum annual discharge from 60 million gallons per year to 85 million gallons per year (a 41.6 percent increase); (2) Add 89 acres of LAAs to allow for a total of 961 acres of land (a 10.2 percent increase) for the land discharge of process wastewater; (3) Revise the lower end of the current pH range limit for treated wastewater stored in surface impoundments from 6.5 to 4.5 pH units; and (4) Authorize improvements to the wastewater treatment and distribution system to maintain treatment efficacy while implementing the above three changes).

¹²¹ Final WDRs, at IS.3. These changes were first proposed by Dischargers in a May 2025 Addendum to the May 2023 Report of Waste Discharges (“Addendum”). See Exhibit 8. On Petitioner submitted a letter on September 5, 2025 to Tulare County urging the County to complete a supplemental EIR. See Exhibit 9.

¹²² Final WDRs, at 37 (para. 110); Cal. Code Regs., tit. 14, § 15301.

will likely result in significant new impacts or a substantial increase in the severity of previously identified significant impacts that must be analyzed in a supplemental EIR.¹²³

Indeed, the Order concludes that the removal of the DAF system has resulted in higher effluent concentrations.¹²⁴ The Order acknowledges that while “[e]ffluent discharged from the Bella Pond to the East Pond in 2025 was treated using the centrifuge to reduce solids, [] the resulting values for 2025 are still higher than the 2022 results that used the DAF system.”¹²⁵ Furthermore, the CVWB provides no evidence that the centrifuge would reduce nuisance odors and water quality impacts at all.¹²⁶ In fact, CVWB staff concluded in their October 2025 Review of the September 19 Revised Report on Waste Discharge that they remain concerned about nuisance odor generated from the new wastewater treatment system due to the fact that BOD concentrations have not decreased between 2022-2024.¹²⁷ Indeed, Table 3 in the Order demonstrates that BOD levels have *increased* since the installation of the centrifuge.¹²⁸ It is also unclear whether the centrifuge system is currently installed or operational, as Dischargers unilaterally removed it after the 2025 harvest season.¹²⁹

¹²³ *City of Lomita v City of Torrance* (1983) 148 CA3d 1062, 1069; See Pub. Res. Code §21166, subd. (a); 14 Cal Code Regs §15162, subd. (a)(1).

¹²⁴ Final WDRs, at IS.3 (“[A]nalytical results for certain effluent constituents stored in the East Pond without DAF treatment were higher in 2023 and 2024 than those recorded in 2022 following DAF treatment . . .”).

¹²⁵ Final WDRs, at IS.6.

¹²⁶ For instance, the WDRs provide that the Discharger “anticipates that the addition of the centrifuge will result in an approximate 56 percent TSS reduction, which is based on an experimental centrifuge test conducted during the 2024 harvest season.” Final WDRs, at 5. This claim is unsupported. “The proposed expansion of the LAAs along with further solids and organic removal from the new centrifuge will help in keeping the discharge below 100 lbs/ac/day for BOD.” Final WDRs, at 35. This claim is also unsupported.

¹²⁷ October 17, 2025 Revised Report of Waste Discharge, at 3.

¹²⁸ “[C]omparison of the average annual concentrations indicates that the centrifuge and downstream filters provided about eleven percent reduction of BOD₅ in the effluent during 2025.” Final WDRs, at 14. However, Table 3 shows that BOD₅ concentrations increased to 7,725 in 2024 and 7,150 in 2025, significantly higher than 5,267 in 2022 or 5,523 in 2023, prior to the installation of the centrifuge. Final WDRs, at 5 (Table 3. Pistachio Wastewater Quality).

¹²⁹ Final WDRs, at IS.3 (“The Discharger installed and used the centrifuge in the 2025 processing season but has since removed it without notifying Staff”); IS.6 (“[]Staff were just informed that Setton had removed the centrifuge after the 2025 processing season indicating it was only being used as a Pilot Test.”).

Additionally, the CVWB should have and must analyze and mitigate the environmental impacts of the Bella Pond. Although this pond is large (with a capacity of 10.5 acre-feet (3.4 million gallons)), Dischargers constructed the Bella Pond in August 2025 without submitting a construction plan.¹³⁰ The environmental impacts of the operation of the Bella Pond, including odor and water quality impacts, must be analyzed and mitigated. Indeed, the Order includes evidence that wastewater in the Bella Pond may cause significant odor impacts.¹³¹ Relatedly, the efficacy of the current treatment system is unknown.¹³²

The CVWB has failed to comply with Sections 15162 and 15163 of the CEQA Guidelines. The State Board must direct the CVWB to conduct a supplemental EIR to analyze and mitigate the significant environmental impacts that will likely result from these major changes to the Facilities, operations, and discharges.

8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE REGIONAL BOARD AND TO THE DISCHARGERS

A true and correct copy of this petition was sent by electronic mail on July 6, 2026, to the Central Valley Regional Water Quality Control Board, Adrianna M. Jerome,

¹³⁰ Final WDRs, at 7-8.

¹³¹ BOD₅ averaged 8,025 mg/L in September and October of 2025. Final WDRs, at IS.4 & 5 (Table 2 - 2025 Bella Pond Effluent Quality).

¹³² Final WDRs, at 14 (“[S]amples from both the Bella Pond and the discharge to the LAAs had higher FDS results than influent samples collected at the outflow from the hulling pits[.]”); Final WDRs, at 13 “Generally, BOD and total nitrogen concentrations of effluent discharged to the LAA are slightly lower but similar to hulling pit concentrations. The exception is total nitrogen, which averaged 314 mg/L at the discharge to the LAAs and 287 mg/L at the influent hulling pits. Iron results are notably elevated, averaging 3,275 µg/L in samples collected at the hulling pits and 2,650 µg/L in samples collected from the discharge to the LAAs. Additionally, while average annual FDS concentrations are typically lower in effluent discharged to the LAA compared to influent quality from the hulling pits, the 2025 data shows that FDS concentration in the discharge to the LAAs was significantly greater than influent.”

waterqualitypetitions@waterboards.ca.gov. In addition, a courtesy copy of this petition was electronically sent to Theresa Dunham, an attorney for certain dischargers subject to the Order.

**9. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE
RAISED AND AN EXPLANATION ON WHY THE PETITIONER WAS UNABLE
TO RAISE THESE SUBSTANTIVE ISSUES OR OBJECTIONS BEFORE THE
REGIONAL BOARD**

Petitioner raised issues discussed in this petition before the CVWB in written and verbal comments prior to the CVWB's adoption of this Order on June 4, 2026. Petitioner submitted written comments on April 8, 2026, provided verbal comments during the June 4, 2026 public hearing regarding the Tentative Order, and submitted written comments on June 3, 2026 prior to the public hearing.

On May 22, 2026, CRLA received substantial package of documents from the San Joaquin Valley Air Pollution Control District complaints made to the Air District and related correspondences on odor nuisances resulting from the Facilities' operations. These complaints and related correspondences occurred between March 11, 2025 and December 9, 2026 period. Petitioner submitted these documents as attachments to the June 3 comment letter. However, the CVWB denied the submission of the June 3 comment letter and attachments.

Petitioner and CRLA provided public comments at the June 4th hearing regarding the Facilities' odor and water quality impacts. TBVC discussed that the Facilities' odor continue to result in nuisances and health impacts for Terra Bella residents. TBVC also requested more transparency from the CVWB regarding the operations of the facility and from the Dischargers regarding their operations and impacts on the Terra Bella community. CRLA made comments

regarding the CVWB's failure to comply with Water Code Section 13149.2, which was also raised in the June 3, 2026 comment letter. CRLA also discussed the need for the Dischargers to reinstall the DAF system, line the East and West Ponds, and take other action to prevent further groundwater degradation and odor nuisances.

Petitioner requests that the evidence attached to this petition be reviewed by the State Water Board as they are relevant to the issues raised here, and are part of the record or were improperly excluded by the CVWB. In particular:

- Exhibit 1. April 8, 2026 TVBC and CRLA comment letter on the Draft WDRs.
- Exhibit 2. June 3, 2026 TVBC and CRLA comment letter on the Tentative WDRs with attachments. The CVWB improperly excluded the comment letter and attachments (now Exhibits 2, 4-7, and 9) because they were submitted prior to the adoption of the Order on June 4, 2026.
- Exhibit 3 is TVBC's March 20, 2025 comment letter opposing the CVWB's rescission of the 2020 Cease and Desist Order. 2021-2024 Air District Complaints were emailed on April 24, 2025, which CRLA submitted to the CVWB on April 24, 2025 prior to the April 25, 2025 public hearing when the CVWB rescinded the CDO. The protest letter and complaints highlight long-standing odor nuisances resulting from the Facilities and is relevant to the issues raised in this petition regarding the need for strict odor nuisance prohibition and compost regulation.
- Exhibit 4 includes additional odor complaints by the public to the Air District from 2019 to 2023
- Exhibit 5 is March - May 2025 Odor Complaints and Emails
- Exhibit 6 is October 2025 Odor Complaints and Emails. These documents demonstrate continued odor violations by the Dischargers in October 2025, after the April 25, 2025 rescission of the CDO, as well as the lack of enforcement against odor violations by the CVWB.
- Exhibit 7 is the Setton Response to October 2025 Odor Complaints and Emails
- Exhibits 5 through 7 did not become available to CRLA until May 20205, after the April 8th comment letter on tentative WDRs.
- Exhibit 8 is the May 2025 Addendum to the May 2023 Report of Waste Discharges
- Exhibit 9 is the September 5, 2025 request by CRLA for Tulare County to conduct a supplemental environmental impact report regarding State Clearing House Project

##2023030410. This document is relevant to the need for the CVWB to conduct a supplemental EIR, which Petitioner raises in this petition.

Dated: July 6, 2026

Respectfully submitted,



Leticia Casillas Luquin, Esq.



Chelsea H. Tu, Esq.