



Central Valley Regional Water Quality Control Board

27 October 2023

Bill Hendrickson
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VIA
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NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2022-0006-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; CALIFORNIA DAIRIES, INC., TIPTON MILK PROCESSING FACILITY PROJECT, TULARE COUNTY

Our office received a Notice of Intent on 10 August 2023 from California Dairies, Inc. (hereinafter Discharger), for discharge of condensate water to surface water. Based on the application packet submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), other water. This project is hereby assigned Limited Threat General Order R5-2022-0006-027 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2022-0006-027**, in your correspondence and submitted documents. **The duration of this NOA is limited to two years and thus is effective until 27 October 2025.**

The project activities shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. You are urged to familiarize yourself with the entire contents of the enclosed [Limited Threat General Order](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2022-0006-01.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2022-0006-01.pdf)

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents and other constituents of concern are found in Attachment I of the Limited Threat General Order. Review of your water quality data in comparison to the screening values, showed reasonable potential for the discharge to cause or contribute to an exceedance of water

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

quality objectives for the constituents in Table 1 in the Tule River, which is a water of the United States.

PROJECT DESCRIPTION

The Tipton Milk Processing Facility Project (Project) is located near Tipton in Tulare County. The Discharger operates the Tipton Milk Processing Facility which receives and processes fluid whole milk from local dairies to produce butter, dry powdered milk, condensed skim and whole milk, cream, milk protein concentrate, and milk concentrate for bulk sale to consumers. Fluid whole milk is almost 90 percent water and production of certain dairy products requires the removal of water through evaporation or condensation. The condensate water evaporated from milk is stored in silos with a total capacity of 200,000 gallons for use as boiler feed water and in-plant reuse. The Project consists of collecting the excess condensate water not used for the boilers or in-plant reuse for discharge to Morrison Ditch which flows into the Casa Blanca Canal then flows a minimum of 13 miles before discharging into the Tule River. The Casa Blanca Canal receives water from rainwater and snowmelt and is operated by the Lower Tule River Irrigation District for agriculture irrigation and percolation, typically during the months of April through August. When discharging, the Project's condensate water mixes with rainwater and stormwater in the canal, prior to irrigation use and/or prior to reaching the Tule River.

The Project's discharge to Morrison Ditch is necessary to allow the Discharger to perform maintenance on the seven onsite percolation ponds which are used to discharge treated wastewater, condensate water, and storm water authorized by Waste Discharge Requirements Order R5-2013-0190. The Discharger estimates that two years are required to perform the pond maintenance. This NOA allows the discharge of only the condensate water to the Morrison Ditch to reduce the total flow to the percolation ponds while maintenance is performed. The maximum daily discharge is expected to be 600,000 gallons per day (GPD) and an average daily discharge of 400,000 GPD.

DISCHARGE PROHIBITIONS

Discharge prohibitions are specified in Section IV Discharge Prohibitions of the Limited Threat General Order. Based on the information provided in the NOI, the following discharge prohibitions are applicable to this discharge:

- Prohibition IV.A
- Prohibition IV.B
- Prohibition IV.C
- Prohibition IV.D. The flow rate shall not exceed 0.6 million gallons per day.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the Notice of Intent, effluent limitations are only required for the parameters identified in item 1, below:

- 1. Constituents and Parameters of Concern.** The following constituents and parameters in Table 1 below have been identified as being applicable to the discharge and shall not exceed the effluent limitations as listed.

Table 1. Effluent Limitations for Constituents and Parameters of Concern

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations	Parameters
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	10	20	V.B.1
Total Residual Chlorine	mg/L	0.01	0.02	V.A.1.e
Total Suspended Solids	mg/L	10	20	V.B.1

Tule River is listed for bifenthrin, toxicity, and pH on the Clean Water Act 303(d) List of impaired water bodies. A Total Maximum Daily Load (TMDL) has not yet been established for Tule River. Therefore, no additional 303(d) based effluent limitations or monitoring requirements are included in this NOA.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Un-ionized Ammonia (VIII.A.1);
- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.a.i-iii);
- Floating material (VIII.A.7);
- Oil and grease (VIII.A.8);
- pH (VIII.A.9.c);
- Pesticides (VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.b).

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent and receiving water in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent and receiving water at the specified location as follows:

Table 2. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	CONEFF-001	A location where a representative sample of the effluent can be collected prior to discharging to Morrison Ditch.
--	RSW-001	Casa Blanca Canal, approximately 500 feet upstream from the point of discharge.
--	RSW-002	Casa Blanca Canal, approximately 500 feet downstream from the point of discharge.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at CONEFF-001 in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 3 and subsequent Table 3 Notes:

Table 3. Effluent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Discharge Flow Rate	MGD	Calculated	1/Day
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	Grab	1/Week
Total Suspended Solids	mg/L	Grab	1/Week
Chlorine, Total Residual	mg/L	Grab	1/Week
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Week
pH	standard units	Grab	1/Week
Temperature	°F	Grab	1/Week
Chronic Toxicity	--	Grab	1/Project Term

Table 3 Notes

- Total residual chlorine, electrical conductivity, and pH.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.

2. **All parameters, except flow.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
3. **Chronic toxicity.** Chronic toxicity testing shall be conducted within 3 months of initiation of discharge. See the Monitoring and Reporting Program (Attachment C, Section V) for toxicity monitoring requirements.

Receiving Water Monitoring - When discharging to surface water, the Discharger shall monitor the receiving water at RSW-001 and RSW-002, in accordance with Table C-6 of the Limited Threat General Order and this NOA. If there is no upstream receiving water flow, monitoring at RSW-001 and RSW-002 is not required and the self-monitoring report shall state that monitoring was not conducted due to no upstream receiving water flow. The applicable monitoring requirements are as follows in Table 4 and subsequent Table 4 Notes:

Table 4. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Monitoring Frequency
Dissolved Oxygen	mg/L	Grab	1/Month
pH	standard units	Grab	1/Month
Temperature	°F	Grab	1/Month
Turbidity	NTU	Grab	1/Month

Table 4 Notes

1. **All parameters.** Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
2. **All parameters except for hardness.** A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained by the Discharger.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001 and RSW-002. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the Monitoring Report.

Monitoring Report Submittals - Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Fourth Quarter 2023**. This report shall be submitted on **1 February 2024**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding Monitoring Report. If discharge has not begun there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge. Table 5, below, summarizes the Monitoring Report due dates required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 5. Monitoring Periods and Reporting Schedule

Monitoring Period for All Sampling Frequencies	Quarterly Report Due Date
First Quarter (1 January through 31 March)	1 May
Second Quarter (1 April through 30 June)	1 August
Third Quarter (1 July through 30 September)	1 November
Fourth Quarter (1 October through 31 December)	1 February of the following year

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff 24 hours before the start of the discharge and within 24 hours of having knowledge of noncompliance with any prohibition, effluent limitation, or receiving water limitation.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual invoice you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

We have transitioned to a paperless office; therefore, please convert all documents to a searchable Portable Document Format (pdf). All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to Omar Mostafa of the NPDES Compliance and Enforcement Unit. Mr. Mostafa can be reached by phone at (559) 445-5197 or at omar.mostafa@waterboards.ca.gov.

Questions regarding the permitting aspects of this NOA, and written notification for termination of coverage under the Limited Threat General Order, shall be directed to Lovdeep Singh of the Central Valley Water Board's NPDES Permitting Unit. Mr. Singh can be reached at (559) 445-5130 or by email at lovdeep.singh@waterboards.ca.gov.

Please include the following information in the body of the email:

- Attention: NPDES Compliance Unit
- Discharger: California Dairies, Inc.
- Facility: Tipton Milk Processing Facility
- County: Tulare County
- CIWQS place ID: 264560

Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES".

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the [Petitions Home Page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Patrick Pulupa, Executive Officer

Enclosures (1): Attachment A - Project Location Map

cc: Elizabeth Sablad, U.S. EPA, Region IX, San Francisco (email only)
Peter Kozelka, U.S. EPA, Region IX, San Francisco (email only)

Bill Hendrickson
Director of Environmental Affairs
California Dairies, Inc.

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Tipton Milk Processing Facility Project
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Prasad Gullapalli, U.S. EPA Region IX, San Francisco (email only)
Division of Water Quality, State Water Board, Sacramento (email
only)

Sarah Torres, PG Environmental, Chantilly, Virginia (via email)

Steven Comstock, California Dairies, Inc. (email only)

Philip Gerard, California Dairies, Inc. (email only)

ATTACHMENT A – PROJECT LOCATION MAPS

Figure A-1. Vicinity Map

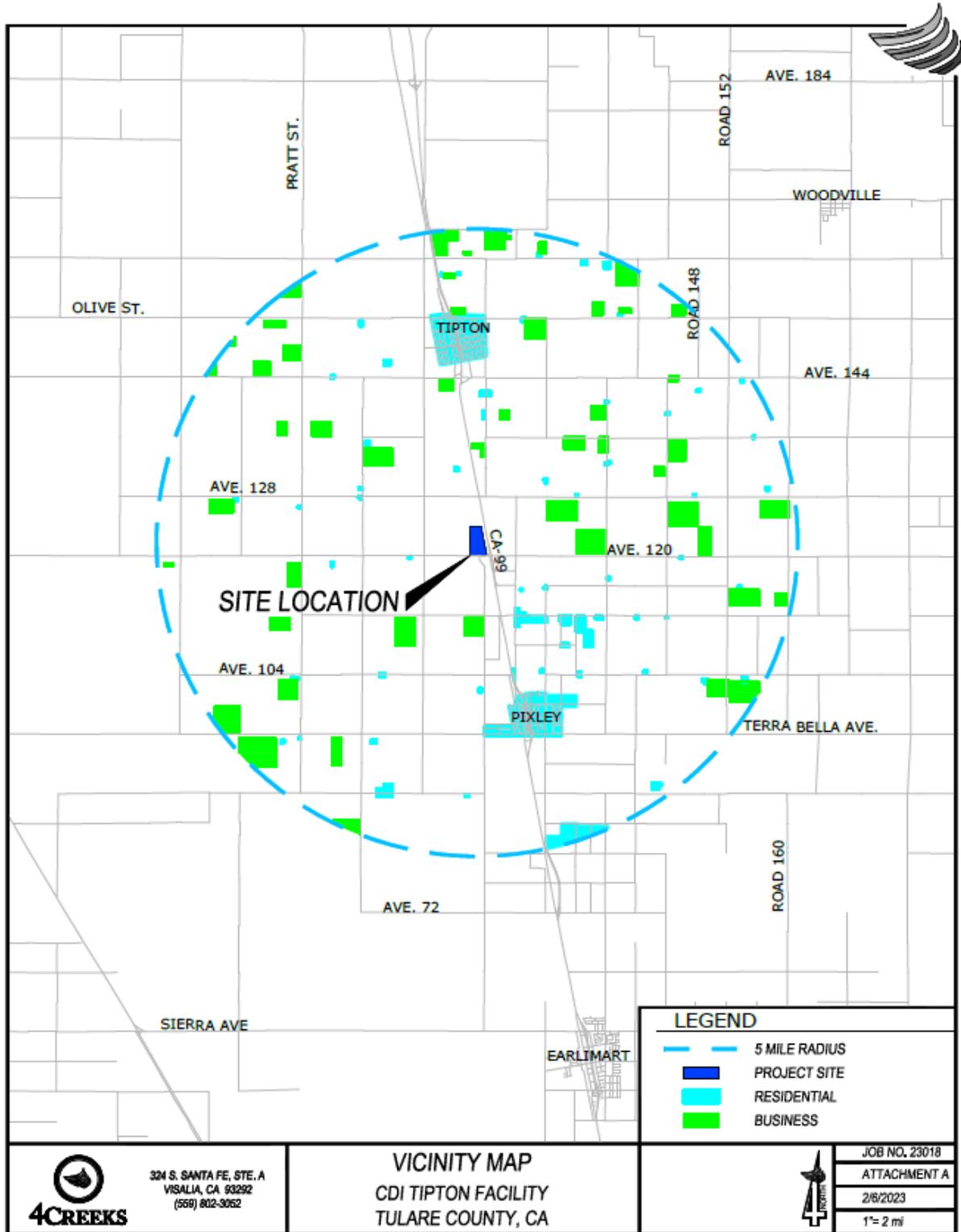


Figure A-2. Process Flow Diagram Overall

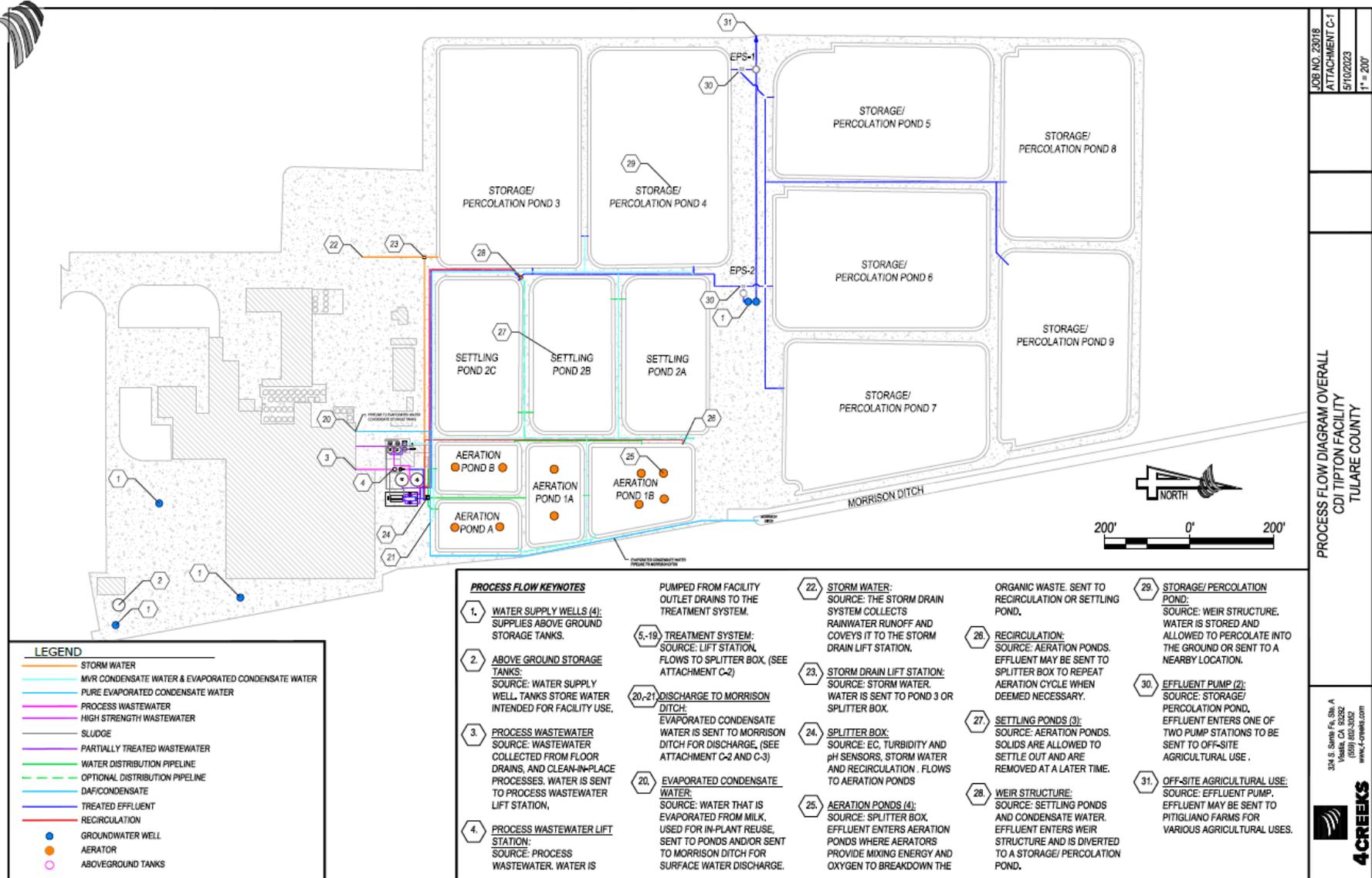


Figure A-3. Process Flow Diagram Discharge to Morrison Ditch

