

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO R5-2009-0101

RESCISSION OF:

SPECIAL ORDER 93-201
TRI VALLEY GROWERS, OBERTI OLIVE COMPANY
FORMER OLIVE PROCESSING FACILITIES
MADERA COUNTY

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

1. The former Oberti Olive Company (Oberti) olive processing plant operated from the late 1940's until Tri Valley Growers (TVG) purchased the Site in 1965. TVG operated the Site until 2000 when TVG filed for bankruptcy. The plant was subsequently acquired and operated by California Olive Growers, Inc. (COG). COG filed for a Chapter 7 bankruptcy liquidation on 13 December 2004. The olive processing operations and the issues regarding the groundwater impacts by olive brine wastewater discharges have been regulated by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) since the 1960's.
2. High strength olive brine wastewater from the processing facility was discharged into two sets of disposal ponds (located offsite), totaling 160 acres. Formerly, wastewater was discharged into three clay-lined ponds (closed in the 1970's) at the south end of the former processing facility property. Brine wastewater leaked from the ponds resulting in impacts to the underlying regional groundwater aquifer. Groundwater in the area is approximately 120 feet below ground surface and is a source of drinking water and irrigation water. Grapes and other crops are grown in the area. The groundwater impacts required the replacement of several private drinking water and irrigation wells. In accordance with waste discharge requirements, nearly 50 groundwater monitoring and groundwater extraction wells were constructed in the area for monitoring and remediation by Oberti, TVG, and COG. Groundwater extraction ceased in 2004.
3. The Oberti olive processing site originally consisted of 4 parcels totaling approximately 78.5 acres. Two parcels remain the property of Gary and Stan Oberti: one 5-acre parcel contains olive trees and one 7-acre parcel contains a concrete warehouse and two groundwater monitoring wells. A third 5.5-acre parcel contains a second concrete warehouse and one groundwater monitoring well, and is owned by the United Security Bank.
4. In 2006, a local Madera developer purchased the remaining 61-acre parcel which contained, among other things, the former olive processing plant site and the old clay-lined ponds. This purchase was made without a pre-purchase agreement with the Central Valley Water Board. The olive processing infrastructure has been

removed, and the remaining buildings are rented. Six groundwater monitoring/extraction wells remain on the parcel. The new owner was notified by Central Valley Water Board staff in correspondence dated 9 March 2007 that all environmental liabilities associated with the parcel are considered the responsibility of the property owner. Submittal of an appropriate post-closure land use and well abandonment plan to the Central Valley Water Board will be the responsibility of the new owner.

5. The properties containing the two sets of brine wastewater disposal ponds (Process Ponds-45 acres, Remote Ponds-110 acres) were purchased in 2008 by a developer/farmer from Manteca. Twenty-nine groundwater monitoring/extraction wells remain on the two properties. The site was also purchased without a pre-purchase agreement with the Central Valley Water Board. The new owner was notified by Central Valley Water Board staff in correspondence dated 19 November 2008 that the environmental liabilities associated with the two sites are considered the responsibility of the property owner. Submittal of an appropriate pond closure and post-closure land use plan as well as a well abandonment plan to the Central Valley Water Board will be the responsibility of the new owner.
6. On 26 July 1991, Waste Discharge Requirements (WDRs) Order 91-178 was issued to TVG and Oberti, and prescribed requirements and contained a time schedule to address various issues regarding the former olive processing operations and wastewater disposal to the ponds. TVG and Oberti declared bankruptcy and are no longer associated with the site.
7. On 17 September 1993, Special Order 93-201, amending WDRs Order 91-178, was issued by the Central Valley Water Board, and required TVG and Oberti to cease the discharge of pumped groundwater to the two sets of disposal ponds by a specified date. The Order extended the cease discharge deadline. The companies are no longer associated with the site.
8. On 27 July 2001, Cease and Desist Order 5-01-191 was issued by the Central Valley Water Board and required COG to cease discharging waste contrary to WDRs. Specifically, Order 91-178 and Special Order 93-201 related to issues at the former Oberti olive processing facilities. COG declared bankruptcy and is no longer associated with the site.
9. All olive processing and wastewater disposal has ceased, the former processing property and the disposal ponds sold, and all olive processing facilities and equipment removed.
10. Interested agencies and persons were notified of the intent to consider rescission of the Orders and provided an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

11. The issuance of this Order is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), in accordance with California Code of Regulations, title 14, section 15321.

IT IS HEREBY ORDERED that Special Order 93-201 be rescinded.

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 CWC 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 Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 8 October 2009.

Original signed by: Kenneth D. Landau for

PAMELA C. CREEDON, Executive Officer