

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2012-0020

RESCINDING

TIME SCHEDULE ORDER R5-2010-0009  
REQUIRING  
HILMAR CHEESE COMPANY, INC.  
HILMAR CHEESE PROCESSING PLANT  
MERCED COUNTY  
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2010-0008

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

1. Hilmar Cheese Company, Inc. (hereafter Hilmar Cheese), a California corporation, owns and operates a Cheese Processing Plant (Plant) about one-half mile north of the unincorporated community of Hilmar.
2. On 16 March 2006, the Central Valley Water Board adopted Order R5-2006-0025, ratifying a Revised Settlement Agreement with the Hilmar Cheese. Order R5-2006-0025 prescribed Interim Operating Limits for discharge flow and effluent electrical conductivity (EC) that would be in effect until the Central Valley Water Board issued revised waste discharge requirements for the discharge. The interim operating limits permitted two separate discharges. One limit governed wastewater application to fields designated as the Secondary Lands, and limited EC to no more than 900 micromhos per centimeter ( $\mu\text{mhos/cm}$ ). The second limit governed a high-strength wastewater discharge to lands designated the Primary Lands, and limited EC to no more than 3,700  $\mu\text{mhos/cm}$ .
3. On 29 January 2010, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2010-0008 for Hilmar Cheese at the Plant's wastewater treatment facility in Merced County. The Central Valley Water Board acknowledged that the discharge of wastewater to the Primary Lands would violate the requirements contained within WDRs Order R5-2010-0008 and that Hilmar Cheese's discharges would not be able to immediately comply with Effluent Limitation B.1 for the Primary Lands for electrical conductivity, total dissolved solids, biochemical oxygen demand, chloride, and total nitrogen.
4. On 29 January 2010, the Central Valley Water Board concurrently adopted Time Schedule Order (TSO) R5-2010-0009 to establish a time schedule for Hilmar Cheese to achieve compliance with the WDRs. The TSO also revised the Interim Operating Limits of the Settlement Agreement to reflect improvements in treatment system performance at the time of the TSO adoption.

5. The TSO required the Hilmar Cheese to comply with the following:

1. The Discharger shall comply with the following time schedule to ensure compliance with Effluent Limitation B.1 on the Primary Lands contained in WDR Order No. R5-2010-0008 as described in the above findings.

<b><u>Task</u></b>	<b><u>Date Due</u></b>
Submit a Work Plan indicating what treatment system will be used to treat wastewater to the numerical limits listed in Effluent Limitation B.1.	<b>15 May 2010</b>
Submit progress reports <sup>1</sup> .	<b>Quarterly, from 15 July 2010 until final compliance</b>
Full Compliance if UF/RO technology is implemented <sup>2</sup> .	<b>15 February 2011</b>
Full Compliance if anything other than UF/RO technology is implemented <sup>2</sup> .	<b>15 July 2011</b>

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1. The progress reports shall report the monthly average flow volume discharged to the Primary Lands and detail what steps have been implemented towards completing the expansion project, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to cease discharge of partially-treated wastewater to the Primary Lands.

2. Full compliance shall be demonstrated by ceasing the discharge of partially treated wastewater to the Primary Lands by the final compliance date.

2. The following interim effluent limitations for discharge to the Primary Lands, as defined in Order R5-2010-0008, shall be effective immediately:
  - a. The discharge flow shall be limited to whatever is necessary to preclude wastewater from standing in the Reuse Area for greater than 48 hours and to preclude the creation of nuisance conditions.
  - b. The monthly average discharge flow shall not exceed 0.500 mgd.
  - c. The monthly average EC of the discharge shall not exceed 3,600 micromhos per centimeter ( $\mu\text{mhos/cm}$ ).
  - d. The 12-month rolling average EC of the discharge shall not exceed 3,400  $\mu\text{mhos/cm}$ .
6. On 8 February 2011, Downey Brand Attorneys, LLP, on behalf of Hilmar Cheese, submitted a letter indicating Hilmar Cheese has complied with the requirements of the TSO R5-2010-0009 and requested it be rescinded.

7. A review of the correspondence in the files indicates Hilmar Cheese has complied with the terms of TSO R5-2010-0009 as detailed below.
- Submit Work Plan by 15 May 2010 - Hilmar Cheese submitted the required Work Plan on 13 May 2010 and indicated it would use UF/RO treatment to comply with the numerical limits in Effluent Limitation B.1;
  - Submit Quarterly Progress Reports – Hilmar Cheese submitted the required Quarterly Progress Reports beginning with the second quarter 2010 (April through June 2010) report in July 2010 through the third quarter 2011 (July through September 2011) report that was submitted in November 2011.
  - Achieve full compliance by ceasing discharge of wastewater to the Primary Lands by 15 February 2011 - The last discharge of wastewater to the Primary Lands was on 13 December 2010.
  - Comply with interim effluent limits in Task 1, Item 2 from date of TSO issuance until final compliance achieved.
    - a) Apply wastewater at rates that preclude the wastewater from standing in the Reuse Area for greater than 48 hours and to preclude the creation of nuisance conditions - No complaints or observations of standing water and/or nuisance conditions created by the discharge of wastewater to the Reuse Areas (Secondary or Primary) were observed from the time the TSO was adopted in December 2010 through the writing of this Order. Three odor/standing water complaints were received by Central Valley Water Board staff. The first on 21 January 2011, a second on 11 March 2011, and a third on 1 July 2011. However, none of the instances was attributed to the discharge of wastewater from the Plant. The January 2011 odors were found to be the result of a nearby dairy wastewater discharge. The March 2011 odors were found to be coming from the operation of the Plant itself, not the discharge of wastewater. The July 2011 observation of standing water in the former Primary Lands, was found to be irrigation water discharged by the land owner (not Hilmar Cheese), not wastewater (confirmed by laboratory analysis of samples collected) discharged by Hilmar Cheese.
    - b) The monthly average EC of the discharge shall not exceed 3,600 µmhos/cm - The highest monthly average EC recorded from February 2010 through January 2011 was 3,070 µmhos/cm in August 2010.

- c) The 12-month rolling average EC of the discharge shall not exceed 3,400  $\mu$ mhos/cm - The 12-month rolling average from February 2010 through January 2011 was 1,047  $\mu$ mhos/cm.
8. Based on the data presented, Hilmar Cheese has ceased the discharge of high strength wastewater to the Primary Lands in accordance with the requirements of TSO R5-2010-0009 and has complied with the time schedule and interim effluent limitations of TSO R5-2010-0009. The current discharge from the Plant is regulated by WDRs Order R5-2010-0008. A review of the monitoring reports from January 2010 through December 2011 indicates the discharge has been compliant with Effluent Limitations B.1 and B.2 of WDRs Order R5-2010-0008. Therefore, rescission of TSO R5-2010-0009 is appropriate.
  9. The rescission of a Time Schedule Order, when all requirements have been met and where more stringent limits now apply, is not a project that has the potential to cause a significant effect on the environment and is thus exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15061(b)(3).
  10. The Central Valley Water Board has notified Hilmar Cheese and interested agencies and persons of its intent to rescind TSO R5-2010-0009 and provided them with an opportunity to submit their written views and recommendations.
  11. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the rescission of TSO R5-2010-0009.

**IT IS HEREBY ORDERED**, that Time Schedule Order R5-2010-0009 is rescinded.

Any person aggrieved by this action may petition the State Water Board to review the action in accordance with 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 Order, 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. 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

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RESCINDING TIME SCHEDULE ORDER R5-2010-0009  
HILMAR CHEESE COMPANY, INC.  
MERCED COUNTY

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I, PAMELA C. CREEDON, Executive Officer, do hereby certify 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 30 March 2012.

*Original signed by:*

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PAMELA C. CREEDON, Executive Officer