

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

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364 Knollcrest Drive #205  
Redding, CA 96002

[Regional Board Website](https://www.waterboards.ca.gov/centralvalley) (<https://www.waterboards.ca.gov/centralvalley>)

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**TENTATIVE WASTE DISCHARGE REQUIREMENTS  
ORDER R5-2024-XXXX**

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**ORDER INFORMATION**

<b>Order Type(s):</b>	<b>Waste Discharge Requirements</b>
<b>Status:</b>	<b>Tentative</b>
<b>Program:</b>	<b>Non-15 Discharges to Land</b>
<b>Region 5 Office:</b>	<b>Sacramento (Rancho Cordova)</b>
<b>Discharger(s):</b>	<b>Ratto Bros., Inc.</b>
<b>Facility:</b>	<b>Ratto Bros.</b>
<b>Address:</b>	<b>6312 Beckwith Rd., Modesto, 95358</b>
<b>County:</b>	<b>Stanislaus</b>
<b>Parcel No.:</b>	<b>012-026-014-000</b>
<b>Prior Order(s):</b>	<b>MRP R5-2022-0801</b>

**CERTIFICATION**

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 13 December 2024.

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PATRICK PULUPA, Executive Officer

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## GLOSSARY

APN.....	Assessor's Parcel Number
bgs .....	below ground surface
BOD <sub>5</sub> .....	Biochemical oxygen demand over five days
BPTC.....	Best Practical Treatment or Control
CEQA .....	California Environmental Quality Act, Public Resources Code section 21000 et seq
CV-SALTS.....	Central Valley Salinity Alternatives for Long-Term Sustainability
EC .....	Electrical Conductivity
FEMA .....	Federal Emergency Management Agency
gpd .....	gallons per day
LAA .....	Land Application Area
MCL.....	Maximum Contaminant Level
MG[D].....	Million Gallons [per Day]
mg/L .....	milligrams per liter
MRP .....	Monitoring and Reporting Program
msl.....	Mean Sea Level
MUN .....	Municipal
N.....	Nitrogen
NA .....	Not Applicable or Not Available
ND .....	not detected or non-detect
ng/L .....	Nanograms per liter
NPDES.....	National Pollutant Discharge Elimination System
OAL .....	Office of Administrative Law

P&O Study .....	Prioritization and Optimization Study of the Salt Control Program of CV-SALTS
RL.....	Reporting Limit
RWD.....	Report of Waste Discharge
SERC .....	State of Emergency Response Commission
SPRRs .....	Standard Provisions and Reporting Requirements
Title 22 .....	California Code of Regulations, Title 22
Title 23 .....	California Code of Regulations, Title 23
Title 27 .....	California Code of Regulations, Title 27
USEPA.....	United States Environmental Protection Agency
Wat. Code .....	Water Code
WDRs.....	Waste Discharge Requirements
WQOs .....	Water Quality Objectives
µg/L .....	Micrograms per Liter
µmhos/cm.....	Micromhos per Centimeter



## FINDINGS

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

### Introduction

1. On 24 June 2021, Brown and Caldwell, on behalf of Ratto Bros., Inc. (Discharger), submitted a Report of Waste Discharge (RWD) that describes the activities that generate process wastewater and residual solids for the Discharger's fresh produce processing facility (Facility). Additional information was submitted on 17 March 2022 (2022 RWD Addendum).
2. The Facility is located at 6312 Beckwith Road, Modesto in Stanislaus County (Section 17, T3S, R8E, MDB&M), as shown on **Attachment A** (Site Location Map) (included herein). Facility details are shown on **Attachment B** (Site Features Map) (included herein).
3. The Facility has been operational at this location since 1962 but has not previously been regulated under Waste Discharge Requirements (WDRs). In advance of developing WDRs for the discharge, a Monitoring and Reporting Program Order (MRP) was issued to the Discharger on **15 May 2022** in order to collect sufficient data for site characterization purposes. This Order includes MRP R5-2024-XXXX, which replaces MRP R5-2022-0801. As Facility owner and operator, the Discharger is responsible for compliance with the WDRs prescribed in this order.
4. The following materials are attached and incorporated as part of this Order:
  - a. Attachment A – Site Location
  - b. Attachment B – Site Plan
  - c. Attachment C – Process Flow Diagram
  - d. Standard Provisions and Reporting Requirements dated 1 March 1991 (SPRRs)
  - e. Information Sheet
  - f. Requirements for Monitoring Well Installation Workplans and Monitoring Well Installation Reports
5. **MRP R5-2024-XXXX** is attached, which requires monitoring and reporting for discharges regulated under these WDRs.

### Existing Facility and Discharge

6. The Facility is a 60-acre parcel located northwest of Modesto, California that processes and chops fresh vegetables, including leafy greens, collard greens, leeks, celery, and beets. Approximately 5.6 tons of vegetable solids are estimated to be

processed each day. The Facility operates and discharges year-round, 16 hours a day, 6 days per week (Monday through Saturday).

7. Wastewater is generated from washing and cooling vegetables, equipment cleaning, and container washing. Between May and October, higher wastewater volumes are generated during vegetable washing and cooling to reduce heat on the produce. The wastewater collection and treatment system consists of a collection system (piping and floor drains), screens, a transfer pit, settling ponds, a storage pond, and land application areas (LAAs), as shown on **Attachment C**. All vegetable processing occurs indoors.
8. There are two process water supply wells located on-site: Process Wells #1 and #2. Process Well #2 is the primary supply well and Process Well #1 functions as a backup well. The processing supply water is used for cooling, washing whole and cut vegetables, washing equipment and process areas, and washing reusable containers. The two process wells, one domestic well, and one irrigation well are located on the north side of the Facility near Beckwith Road, as shown on **Attachment B**. Analytical results from 12 well samples collected between 2022 and 2023 for select constituents are summarized below. Table 1 and Table 2 includes the following acronyms:
  - $\text{CaCO}_3$  = calcium carbonate
  - mg/L = milligrams per liter
  - N = nitrogen
  - TDS = total dissolved solids
  - $\mu\text{mhos/cm}$  = micromhos per centimeter
  - $\mu\text{g/L}$  = micrograms per liter

**Table 1. Source Water Quality (Process Well #1)**

Parameter	Units	Min	Max	Average Concentration
Specific Conductance	$\mu\text{mhos/cm}$	1,100	1,140	1,123
TDS	mg/L	740	840	778
Nitrate as N	mg/L	38	44	41
Calcium	mg/L	108	120	113
Chloride	mg/L	53	63	59
Dissolved Iron	$\mu\text{g/L}$	-	-	ND (<30 $\mu\text{g/L}$ )
Dissolved Manganese	$\mu\text{g/L}$	-	-	ND (<10 $\mu\text{g/L}$ )
Sodium	mg/L	53	60	57

Parameter	Units	Min	Max	Average Concentration
Sulfate	mg/L	110	118	115
Total Hardness as CaCO <sub>3</sub>	mg/L	397	425	411

Data Source: 2021 RWD and Monitoring Reports

**Table 2. Source Water Quality (Process Well #2)**

Parameter	Units	Min	Max	Average Concentration
Specific Conductance	µmhos/cm	886	1,000	932
TDS	mg/L	570	670	618
Nitrate as N	mg/L	20	30	23
Calcium	mg/L	79	100	86
Chloride	mg/L	49	53	51
Dissolved Iron	µg/L	-	-	ND (<30 µg/L)
Dissolved Manganese	µg/L	-	-	ND (<10 µg/L)
Sodium	mg/L	44	52	48
Sulfate	mg/L	98	105	101
Total Hardness as CaCO <sub>3</sub>	mg/L	325	343	334

Data Source: 2021 RWD and Monitoring Reports

9. Sanitation and cleaning chemicals used at the Facility that may impact wastewater quality include:
  - Biotrol 220, consisting of 21.5% peroxyacetic acid and 5% hydrogen peroxide.
  - Amtech Foam Chlor, consisting of 3-7% sodium hydroxide, 5-10% potassium hydroxide, and 3-4% sodium hypochlorite.
  - Torque, consisting of proprietary ingredients.
  - Sani-10%, consisting of 10% Alkyl dimethyl benzyl ammonium chlorides.
  - Dairy Brite, consisting of 5-27% phosphoric acid and 1-10% hydrofluoric acid.
  - Sodium Hypochlorite (12.5%)
10. Fresh crops are harvested from off-site locations and placed in product boxes. The boxes are then trucked on pallets to the receiving area located on the northeast corner of the Facility. The pallets run through a hydroshower, which rains cold water

on the boxes to wash and cool the produce. Some pallets also run through a vacuum tube lifter for single pass water cooling. Wastewater contains mostly sand and dirt particles from washing and relatively low amounts of other solids.

11. Wastewater generated during processing and Facility cleaning is directed to floor drains with screens and flows by gravity to an underground transfer pit, as shown on **Attachment C**. From the transfer pit, wastewater is discharged to a series of unlined settling ponds (Ponds 1 through 3) and an unlined storage pond (Pond 4). Pond dimensions are shown below.

**Table 3. Pond Dimensions**

Pond	Capacity (MG) Note 1	Length x Width (feet)	Depth (feet)	Percolation Rate (gpd) Note 2	Installation Date
Pond 1	0.12	45 x 35	12	2,810	1980-1990
Pond 2	0.12	45 x 35	12	2,810	1980-1990
Pond 3	0.13	60 x 30	12	3,210	1980-1990
Pond 4	3.4	261 x 172	10	78,920	2021

Table Note 1: Pond capacities include 2 feet of freeboard.

12. Wastewater flow volumes are measured from the transfer pit to Pond 1 at flow meter location M2 (as shown on **Attachment C**). Flow volumes are summarized below.

**Table 4. 2023 Wastewater Flow Volumes**

Month	Total Flow (gallons)	Average Daily Flow (gpd)
January	652,441	21,046
February	524,001	16,903
March	582,967	18,805
April	637,024	20,549
May	1,418,319	45,752
June	1,156,586	37,309
July	1,361,543	43,921
August	1,194,171	38,522
September	1,159,627	37,407
October	1,341,428	43,272
November	1,130,282	36,461
December	1,061,600	34,245

Month	Total Flow (gallons)	Average Daily Flow (gpd)
<b>Total Annual</b>	<b>12,219,987</b>	<b>32,849</b>

Table Source: 2023 Annual Monitoring Report

13. The Discharger conservatively estimates that the Facility will foreseeably generate up to 120,000 gpd of effluent. While these flows have not been experienced yet, the Discharger projects production doubling 2023 flows at the end of 2024. Flows were not monitored at the site until end of 2022. Annual flows can vary significantly depending on the volume of product and time of year.
14. Wastewater samples have been collected from two locations; the transfer pit and Pond 3 (S1 on Attachment C). The sample collected from the transfer pit measures wastewater quality from floor drains. This sample location is not required to be sampled under this Order. The Discharger collected samples from this location for site characterization purposes for the submittal of the RWD. The data summarized have been compiled from 12 wastewater samples collected from the transfer pit in 2023. Annual averages for monitoring conducted in 2023 are summarized below. Table 5 includes the following acronyms:
- BOD<sub>5</sub> = biochemical oxygen demand
  - FDS = fixed dissolved solids
  - TKN = total Kjeldahl nitrogen
  - TN = total nitrogen

**Table 5. Transfer Pit Wastewater Quality**

Constituent	Units	Min	Max	Average Concentration
BOD <sub>5</sub>	mg/L	21	151	62
TDS	mg/L	340	1,000	792
FDS	mg/L	168	624	460
Sulfate	mg/L	114	180	132
Sodium	mg/L	59	80	72
Calcium	mg/L	98	351	153
Chloride	mg/L	63	92	81
Dissolved Iron	µg/L	14	914	227
Dissolved Manganese	µg/L	39	350	144

Constituent	Units	Min	Max	Average Concentration
Specific Conductance	µmhos/cm	885	1,310	1,138
Total Hardness as CaCO <sub>3</sub>	mg/L	431	1,340	671
TKN	mg/L	2	38	9
Nitrate as N	mg/L	18	37	25
TN	mg/L	22	66	34
pH	std	8	9	8

15. The second wastewater sample is collected from settling Pond 3 (S1 as shown on Attachment C) and is considered to be representative of the wastewater quality discharged to land. This is the compliance point for the effluent limit included in this Order, as shown on **Attachment C**. Annual averages using 12 data points for monitoring conducted in 2023 are summarized in Table 6 below.

**Table 6. Pond 3 Effluent Wastewater Quality**

Constituent	Units	Min	Max	Average Concentration
BOD <sub>5</sub>	mg/L	9	109	29
TDS	mg/L	588	940	738
FDS	mg/L	361	668	473
Sulfate	mg/L	98	117	111
Sodium	mg/L	54	61	57
Calcium	mg/L	98	351	153
Chloride	mg/L	57	85	71
Dissolved Iron	µg/L	16	141	77
Dissolved Manganese	µg/L	8	218	154
Specific Conductance	µmhos/cm	883	1,170	1,033
Total Hardness as CaCO <sub>3</sub>	mg/L	341	407	378

Constituent	Units	Min	Max	Average Concentration
TKN	mg/L	1	10	4
Nitrate as N	mg/L	5	24	15
TN	mg/L	16	34	23
pH	std	7	8	8

16. Pond 4 was constructed in 2021 to add additional storage capacity to accommodate expected increases in production (see Finding 13). Pond 4 contains a concrete sump approximately 20 feet long by 30 feet wide by 2 feet deep. Wastewater from Pond 3 enters the sump in Pond 4. The irrigation system is connected to the sump in Pond 4, where wastewater is held until irrigation water is needed. During periods of higher flow volumes, the sump will overflow into Pond 4. Because process flows have not yet increased to levels originally envisioned, regular application of wastewater to the LAAs from the sump in Pond 4 has not yet occurred.

17. Loading rates to groundwater from the ponds are presented below.

Table Note: Conservative assumption that the pond's percolation capacity does not decrease over time. Typically, food processor ponds “plug up” and have reduced percolation unless they are cleaned and ripped frequently. Conservative assumption that the ponds are always full. Typically, Ponds 1 through 3 appear to have water based on aerials but Pond 4 isn't really designed/intended to have water in the ponds continuously so staff does not anticipate the loading numbers from Pond 4 to be as high.

**Table 7. Loading Rates to Groundwater**

	Units	Pond 1	Pond 2	Pond 3	Pond 4
Estimated Percolation Rate	gpd	2,810	2,810	3,210	78,920
LAA Acres	acres	0.03	0.03	0.03	1.03
Volume	MGY	1.03	1.03	1.17	28.81
TN Concentration	mg/L	19	19	19	19
TN Loading Rate	lbs/year	163	163	186	4,567
TN Loading	lbs/acre/year	5,060	5,060	5,780	4,432
FDS Concentration	mg/L	473	473	473	473
FDS Loading	lbs/year	4,048	4,048	4,628	113,702
FDS Loading	lbs/acre/year	3,947	3,947	3,947	3,947
BOD Concentration	mg/L	29	29	29	29

	Units	Pond 1	Pond 2	Pond 3	Pond 4
BOD Loading	lbs/year	248	248	284	6,971
BOD Loading	lbs/acre/year	242	242	242	242
Iron Concentration	mg/L	0.077	0.077	0.077	0.077
Iron Loading	lbs/year	0.7	0.7	0.8	18.5
Iron Loading	lbs/acre/year	1	1	1	1
Manganese Concentration	mg/L	0.154	0.154	0.154	0.154
Manganese Loading	lbs/year	1.3	1.3	1.5	37
Manganese Loading	lbs/acre/year	1.3	1.3	1.3	1.3

18. From the sump in Pond 4, wastewater is used to irrigate 31.2 acres of LAAs, consisting of LAA-ZONE 1 to LAA-ZONE 4. Wastewater is also used for on-site dust control when needed. The LAAs are cropped with forage cover crops, such as alfalfa, sorghum grass, winter wheat, and silage corn, and are sprinkler irrigated. The use of each LAAs is rotated on a regular basis. Tailwater is not generated. The potential for runoff only exists during intense rainstorms; however, dirt roads around the LAAs act as berms to contain any rainfall runoff. LAA acreages are presented below.

**Table 8. LAA Details**

Land Application Areas	Acres
LAA-ZONE 1	11.6
LAA-ZONE 2	3.8
LAA-ZONE 3	5.9
LAA-ZONE 4	9.9

19. Pond 4 does not currently have a flow meter to measure the volume of wastewater discharged to land. This Order requires the installation of a flow meter to measure the volume of wastewater that is land applied (see Provision J.1.a). **Attachment C** presents the proposed flow meter location (M3).
20. Loading rates for BOD<sub>5</sub> to the LAAs were estimated based on a worst-case potential scenario because wastewater has not yet been consistently land applied and was not previously regulated. The estimated/projected loading rate was based on the maximum wastewater flow volume for monitoring year 2023, the highest BOD<sub>5</sub> concentration from available data from Pond 3, the smallest application acreage likely to receive wastewater during an irrigation cycle, and the shortest likely drying



cycle. Using these inputs, discharges of wastewater to the LAAs are not anticipated to exceed the BOD<sub>5</sub> loading limit of 100 lb/ac/day/irrigation cycle.

21. Water balances for an average year rain scenario and a wet year scenario, stamped by a registered professional engineer, were included in the 2022 RWD Addendum. For the average year, the water balance demonstrated that the wastewater treatment system has adequate monthly capacity, and that the additional storage capacity in Pond 4 would likely not be needed.

For the 24-hour, 100-year peak storm event (wet year scenario), rainfall is anticipated at a rate of approximately 0.13 inches per hour, or about 3 percent of the saturated conductivity rating of the soil from the NRCS soil survey. Pond 4 has capacity to store up to 30 days of production wastewater. If the estimated percolation from Pond 4 is included, storage capacity would be approximately 100 days of production.

Based on the water balance and the consultant's interpretation, the LAAs and Pond 4 storage provide far more capacity than is likely to be needed during high precipitation event or irrigation system outages. When needed to meet irrigation requirements for the crops, supplemental irrigation is supplied by an on-site irrigation well.

22. Solids are separated by a belt screen and floor screens, deposited in trailers, and delivered to the LAAs for use as a soil amendment or hauled offsite and used for animal feed.
23. Impervious surfaces throughout the site are graded so that storm water runoff flows by gravity to on-site storm water ponds at various locations around the Facility. Storm water is retained on-site and percolates and evaporates from the storm water ponds.
24. Domestic wastewater is treated by an onsite wastewater treatment and disposal system permitted through Stanislaus County Environmental Health Department. Domestic wastewater is not discharged to the process wastewater treatment system. There are multiple septic tank systems located throughout the Facility.

### **Site-Specific Conditions**

25. Local land use in the vicinity of the Facility consists primarily of almond farms, dairy farms, rural residential areas, and other forms of agriculture. West of the Facility is Wyeth Dairy Inc., a wholesale dairy facility.
26. The Facility is located on relatively flat terrain, sloping towards the northwest to the Stanislaus River, located approximately 3 miles from the Facility. It is not expected that discharges to the ponds or LAAs will connect to the Stanislaus River through surface water drainage or flooding.

27. The Facility is located in FEMA Zone X: Area of Minimal Flood Hazard.
28. Annual precipitation for an average rainfall year is 11.9 inches and 27.4 inches for a 100-year rainfall event based on the California Irrigation Management Information System (CIMIS) Station #71 in Modesto, CA. The average evapotranspiration annual rate using data collected between 1906 through 2021 is approximately 53.24 inches.
29. The soils in the vicinity of the LAA fields are made up of a shallow lithology of approximately 76 percent Hanford fine sandy loam, moderately deep over silt, 0 to 1 percent slopes; approximately 16 percent Hanford sandy loam, 0 to 3 percent slopes, and 8 percent Hanford sandy loam, deep over silt, 0 to 1 percent slopes.

### Groundwater Conditions

30. The groundwater monitoring network at the Facility consists of three groundwater monitoring wells that were installed in 2022: MW-1, MW-2, and MW-3 (Attachment B). A fourth monitoring well is planned to be installed onsite, upgradient of the LAAs (see Provision 1). Monitoring well details and depths to groundwater are shown below. Note that depths to groundwater are shown as the minimum and maximum depths below ground surface (bgs) for data collected between 2022 and 2023 monitoring periods.

**Table 9. Monitoring Well Details**

Monitoring Well ID	Screen Interval (feet bgs)	Depth to Groundwater (feet bgs)	Reference Point Elevation (feet MSL)	Location
MW-1	30 – 50	17.4 – 32.7	57.67	Slightly East of LAA-Zone 4
MW-2	30 – 50	16.4 – 33.6	56.96	Slightly Southwest of LAA-Zone 1
MW-3	29 – 49	15.2 – 33.3	55.58	Slightly West of Pond 4

31. Groundwater generally flows to the west but varies from northwest to northeast.
32. Average annual, minimum, and maximum concentrations for select constituents in groundwater were collected during 12 monitoring events in 2023, as summarized below for MW-1, MW-2, and MW-3. All monitoring wells located onsite are considered downgradient or cross-gradient. There are no upgradient wells when comparing against the regional gradient. For non-detect values, half the reporting limit was used for averaging purposes. Units are mg/L unless noted otherwise. For purposes of comparison, potential water quality objectives (WQOs) or other potential numerical limits are based on the following:

- Agricultural Water Quality Goal for Specific Conductance (i.e., Electrical Conductivity (EC));
- Secondary Maximum Contaminant Level (sMCL), Recommended Range for TDS;
- Primary Maximum Contaminant Level (MCL) for nitrate as nitrogen;
- Lowest agricultural water quality goal for sodium; and
- sMCLs for iron and manganese.
- NE indicates a WQO has not been established.

**Table 10. Groundwater Quality for MW-1**

Parameter	Units	Min	Max	Average Concentration	Potential WQOs
Specific Conductance	µmhos/cm	3,080	3,290	3,188	700
TDS	mg/L	2,410	2,880	2,610	500
Nitrate as N	mg/L	168	190	182	10
Calcium	mg/L	316	362	339	NE
Chloride	mg/L	140	140	140	250
Iron	mg/L	-	-	ND	0.3
Manganese	mg/L	-	-	ND	0.05
Sodium	mg/L	86	102	94	69
Sulfate	mg/L	546	548	547	250
Total Hardness as CaCO <sub>3</sub>	mg/L	1,340	1,480	1,410	NE

**Table 11. Groundwater Quality for MW-2**

Parameter	Units	Min	Max	Average Concentration	Potential WQOs
Specific Conductance	µmhos/cm	2,440	2,890	2,603	700
TDS	mg/L	1,790	2,280	1,950	500
Nitrate as N	mg/L	127	162	140	10
Calcium	mg/L	237	250	244	NE
Chloride	mg/L	120	124	122	250
Iron	mg/L	ND	0.06	0.03	0.3
Manganese	mg/L	ND	0.01	0.005	0.05
Sodium	mg/L	100	119	110	69

Parameter	Units	Min	Max	Average Concentration	Potential WQOs
Sulfate	mg/L	330	347	339	250
Total Hardness as CaCO <sub>3</sub>	mg/L	1,090	1,100	1,095	NE

**Table 12. Groundwater Quality for MW-3**

Parameter	Units	Min	Max	Average Concentration	Potential WQOs
Specific Conductance	µmhos/cm	1,000	1,200	1,080	700
TDS	mg/L	660	760	703	500
Nitrate as N	mg/L	10	21	14	10
Calcium	mg/L	82	103	93	NE
Chloride	mg/L	68	75	72	250
Iron	mg/L	-	-	ND	0.3
Manganese	mg/L	-	-	ND	0.05
Sodium	mg/L	48	62	55	69
Sulfate	mg/L	116	126	121	250
Total Hardness as CaCO <sub>3</sub>	mg/L	382	463	423	NE

### Compliance History

33. There is no history of compliance issues at this site. There are no records of odor complaints through the county or other organizations.
34. On 25 March 2024, Central Valley Water Board staff conducted a pre-permitting inspection of the Facility. During the inspection, the Facility was operating and discharging to the treatment system. Settling Ponds 1 through 3 were filled with water. Wastewater from Pond 3 was discharging to the sump in Pond 4, where the wastewater was being pumped out to the LAAs for irrigation purposes via the sprinkler system. Leafy green and vegetable waste solids were present and ready to be disked into the ground. No issues were observed during the site visit.

### Legal Authorities

35. This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides in pertinent part as follows:

*The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonable required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.*

36. Compliance with section 13263, subdivision (a), including implementation of applicable water quality control plans, is discussed in the findings below.
37. The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste. (Wat. Code, § 13263, subd. (g).)
38. This Order and its associated MRP are also adopted pursuant to Water Code section 13267, subdivision (b)(1), which provides as follows:

*[T]he regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

39. The reports required under this Order, as well as under the separately issued MRP, are necessary to verify and ensure compliance with these WDRs. The burden associated with such reports is reasonable relative to the need for their submission.

### **Basin Plan Implementation**

40. Pursuant to Water Code section 13263, subdivision (a), WDRs must “implement any relevant water quality control plans..., and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.”
41. This Order implements the Central Valley Water Board’s Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan), which

designates beneficial uses for surface water and groundwater and establishes WQOs necessary to preserve such beneficial uses. (See Wat. Code, § 13241 et seq.)

42. The Facility is within the San Joaquin Delta Hydrologic Area. Local drainage is to the Stanislaus River. The beneficial uses of the Stanislaus River, as stated in the Basin Plan, are agricultural supply; water contact recreation; noncontact water recreation; warm freshwater habitat, cold freshwater habitat; cold migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat.
43. Per the Basin Plan, the beneficial uses of underlying groundwater are municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.
44. The Basin Plan establishes narrative water quality objectives for chemical constituents, tastes and odors, and toxicity in groundwater. It also sets forth a numeric objective for total coliform organisms.
45. The Basin Plan's numeric WQO for bacteria requires that the most probable number (MPN) of coliform organisms over any seven-day period shall be less than 2.2 per 100 mL in MUN groundwater.
46. The Basin Plan's narrative WQOs for chemical constituents, at a minimum, require MUN-designated waters to meet the MCLs in Title 22 of the California Code of Regulations title 22 (Title 22). The Basin Plan recognizes that the Central Valley Water Board may apply limits more stringent than MCLs to ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses.
47. The narrative toxicity WQO requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, animal, plant, or aquatic life associated with designated beneficial uses.
48. Quantifying a narrative WQO requires a site-specific evaluation of those constituents that have the potential to impact water quality and beneficial uses. The Basin Plan states that when compliance with a narrative WQO is required to protect specific beneficial uses, the Central Valley Water Board will, on a case-by-case basis, adopt numerical limitations in order to implement the narrative WQO.

### **Salt and Nitrate Control Programs**

49. The Central Valley Water Board adopted Basin Plan amendments incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting (Resolution R5-2018-0034). The Basin Plan amendments became effective on 17 January 2020 and were revised by the Central Valley Water Board in 2020 with [Resolution R5-2020-0057](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/reso) ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/reso](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/reso)

lutions/r5-2020-0057\_res.pdf). The revisions to the Basin Plan amendments became effective on 10 November 2021.

50. Under the Salt Control Program, dischargers that are unable to comply with the stringent salinity requirements may instead be subject to performance-based requirements as determined appropriate by the Central Valley Water Board, and participate in a basin-wide effort known as the Prioritization and Optimization Study (P&O Study) to develop a long-term salinity strategy for the Central Valley. The Discharger submitted a Notice of Intent on 20 April 2021 and was issued an identification number for the Salt Control Program (**CVSALTS ID: 3602**). The Discharger elected to participate in the P&O Study. To maintain existing salt discharges and minimize salinity impacts, this Order sets a **performance-based effluent limitation of 700 mg/L for FDS**. The performance-based limit is based on potential impacts to groundwater, an evaluation of the Dischargers wastewater treatment system, and the set of management practices implemented in Finding 66.
51. The Nitrate Control Program is a prioritized program. The Facility is within Groundwater Basin 5-022.02 (San Joaquin Valley, Modesto Sub-Basin), which is a Priority 1 Basin. The Board issued Notices to Comply to dischargers in Priority 1 Basins in May 2020. These notices provided dischargers with a choice to participate in an individual permitting approach (Pathway A) or in a collective permitting approach (Pathway B). Under the collective approach, dischargers jointly form “Management Zones” that fulfill the requirements of the Nitrate Control Program. In response to the Notice to Comply, the Discharger selected Pathway B and joined the Modesto-Valley Water Collaborative Management Zone.
52. Under the Nitrate Control Program, dischargers that cause or contribute to nitrate pollution in groundwater must qualify for a limited term “exception” from meeting nitrate limits. Compliance time schedules must be as short as practicable and are not to exceed 35 years. The Central Valley Water Board will only grant exceptions upon finding that all elements of the Board’s Exceptions Policy are met. For nitrate, the Exceptions Policy dictates that exceptions will not be considered unless an adequate supply of clean, safe, reliable and affordable drinking water is available for those who have been adversely affected by the non-compliant discharge.
53. Management Zones in Priority 1 Basins were required to submit Management Zone Implementation Plans (MZIPs). The Modesto-Valley Water Collaborative Management Zone submitted an MZIP on 5 September 2023. The MZIP was deemed complete by the Central Valley Water Board’s Executive Officer in November 2023. The MZIP contains a proposal for how dischargers within the Modesto-Valley Water Collaborative Management Zone will meet requirements of the Nitrate Control Plan and the Exceptions Policy.
54. To meet the requirements of the Nitrate Control Plan, the Modesto-Valley Water Collaborative Management Zone MZIP includes sector-based Nitrate Reduction Programs, including one for non-15 dischargers including the Discharger. The MZIP

proposes that the Discharger prepare and submit a facility-specific Nitrate Reduction Work Plan that would characterize the facility's impact on groundwater, quantify the facility's nitrate loading to the Upper Zone of groundwater, estimate the necessary improvements to the facility's discharge to comply with the Management Zone's Groundwater Protection Target(s) and/or other developed compliance metrics, and provide an implementation schedule that will ensure that the facility complies with the Nitrate Control Program.

55. The Modesto-Valley Water Collaborative Management Zone MZIP proposes to meet the requirements of the Exceptions Policy by, among other things, continuing an interim drinking water program that performs outreach to residents potentially affected by nitrate contamination, offers free nitrate well testing, and provides free replacement water to households whose wells are found to exceed the nitrate drinking water standard.
56. The MZIP will serve as the basis for permit amendments for all dischargers in the Management Zone. The Board proposes to consider a package of permit amendments for all dischargers in the Management Zone in a single permitting action, where the Board will also make findings as to whether the requirements of the Exception Policy are met by the proposals in the MZIP. In the interim, the Discharger is subject to a Conditional Prohibition that requires that the discharger continue to participate in funding and implementing the drinking water program described in the MZIP.
57. As these strategies are implemented, the Central Valley Water Board may find it necessary to modify the requirements of these WDRs. As such this Order may be amended or modified to incorporate any newly applicable requirements to ensure that the goals of the Salt and Nitrate Control Programs are met.

### **Compliance with Antidegradation Policy**

58. State Water Resources Control Board (State Water Board) Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality Waters in California*, (Antidegradation Policy) prohibits the Central Valley water board from authorizing degradation of "high quality water" unless it is shown that such degradation: (1) will be consistent with the maximum benefit to the people of California; (2) will not unreasonably affect beneficial uses, or otherwise result in water quality less than as prescribed in applicable policies; and (3) is minimized through the discharger's best practicable treatment or control (BPTC).
59. The Antidegradation Policy applies when an activity discharges to high quality waters and will result in some degradation of such high-quality waters. "High quality waters" are defined as those waters where water quality is more than sufficient to support beneficial uses designated in the Basin Plan. Whether a water is a high-quality water is established on a constituent-by-constituent basis, which means that an aquifer can be considered a high-quality water with respect to one constituent,



but not for others (State Water Board Order WQ 91-10). If the activity will not result in the degradation of high-quality waters, the Antidegradation Policy does not apply, and the dischargers need only demonstrate that it will use "best efforts" to control the discharge of waste.

60. The Discharger has monitored groundwater at the Facility since 2023. Compliance with the Antidegradation Policy is therefore based on available groundwater collected since 2023.
61. For the purposes of this Order, constituents in the effluent from this Facility with the potential to degrade groundwater and affect beneficial use includes EC, nitrate as nitrogen, FDS, TDS, iron, and manganese. Additionally, high BOD<sub>5</sub> concentrations in effluent can indicate an excessive amount of organic material that may produce anoxic conditions, resulting in the dissolution of metals (commonly iron and manganese), which could degrade groundwater quality. The average BOD<sub>5</sub> concentration in Facility effluent for monitoring year 2023 was 32 mg/L. There have been no odor complaints from this Facility. Metals, specifically dissolved iron and manganese, have not been detected in groundwater, indicating the organics are being appropriately managed at this time. Relatively low concentrations of TKN (an average of 4 mg/L), also indicates that organics in wastewater is not a current concern at this Facility.
62. Table 13 presents a comparison of source water, effluent, and groundwater quality. Effluent concentrations are flow weighted averages and all groundwater concentrations are the average concentrations of constituents collected from MW-1, MW-2, and MW-3 from 12 sampling events conducted in 2023. Concentrations are in mg/L unless noted otherwise.

**Table 13. Antidegradation Summary**

Constituent	Source Water (Process Well #2)	Flow Weighted Average Effluent Concentrations	GW Quality (MW-1, MW-2, and MW-3)	Potential WQO
EC (µhmos/cm)	932	1,017	2,290	700
TDS	618	751	1,754	500
FDS	NA	473	NA	NE
Nitrate as Nitrogen	23	15	112	10
Total Nitrogen	NA	23	NA	NE
BOD <sub>5</sub>	NA	29	NA	NE
Iron (µg/L)	ND	77 Note 1	30	300

Constituent	Source Water (Process Well #2)	Flow Weighted Average Effluent Concentrations	GW Quality (MW-1, MW-2, and MW-3)	Potential WQO
Manganese (µg/L)	ND	154 Note 1	5	50

Note 1: Average concentrations are presented.

63. As shown in the table, groundwater beneath the Facility LAAs is considered poor-quality with regard to EC, nitrate as nitrogen, and TDS because concentrations in groundwater exceed actual and potential WQOs for these constituents. Therefore, the Antidegradation Policy does not apply with respect to these constituents. A discussion of the characterization of EC, TDS, and nitrate as nitrogen is included in the Information Sheet.

64. Groundwater beneath the Facility LAAs is considered high-quality with respect to iron and manganese, as concentrations of these constituents in groundwater are below applicable WQOs. This discharge authorized by this Order contains iron and manganese in concentrations that exceed concentrations in the receiving water; furthermore, as described above, BOD in the discharge could create anoxic conditions in soil that mobilize concentrations of these metals into the receiving water. Therefore, the Antidegradation Policy applies with respect to iron and manganese.

- a. **Iron and Manganese.** The Facility has the potential to elevate iron and manganese concentrations in underlying groundwater through the storage and application of wastewater containing organic material. Within the ponds, these conditions may promote the development of anoxic environments, potentially mobilizing iron and manganese in the subsurface.

BOD concentrations in wastewater are relatively low. Wastewater storage primarily occurs in Ponds 1 through 3, which are small in size and exhibit estimated percolation rates ranging from 2,810 gallons per day (gpd) to 2,210 gpd when filled to capacity. Pond 4 is typically not utilized for wastewater storage under average annual rainfall conditions, as confirmed by water balance data provided by the Discharger. To further mitigate groundwater impacts, these WDRs enforce a BOD loading limit of 100 pounds per acre per day per irrigation cycle. Maintaining application rates below this threshold minimizes the potential for reducing conditions that could mobilize iron and manganese. Additionally, no nuisance complaints related to the Facility's operations have been reported.

While effluent concentrations of iron and manganese may exceed groundwater levels, available downgradient groundwater data indicate the Facility has not caused pollution or significant degradation of groundwater. The iron and manganese concentrations in all three downgradient wells show

very low or non-detect concentrations for iron and manganese. The Discharger is required to conduct ongoing monitoring of both the discharge and underlying groundwater to ensure compliance with the groundwater quality limitations established in these WDRs.

65. This Order establishes effluent limits and groundwater limits for the Facility's discharge to ensure that the discharge will not result in groundwater quality that exceeds water quality objectives set forth in the Basin Plan or otherwise unreasonably threaten present and anticipated beneficial uses.
66. The Discharger provides treatment and control of the discharge that incorporates:
- a. Screening solids from the wastewater and land applying the solids for use as a soil amendment in a controlled manner (i.e., solids are spread out evenly over the LAAs).
  - b. Irrigation Management: Proper irrigation scheduling, efficient irrigation systems, and potentially soil moisture monitoring to help reduce water usage and minimize salt accumulation in the soil. The use of sprinklers helps the even application of wastewater over the LAAs.
  - c. Nutrient Management: Implementing precision agriculture techniques, potentially using soil and plant tissue testing to determine nutrient needs, and appropriate uses of fertilizers.
  - d. Drainage Management: Properly designed and maintained drainage systems that help prevent waterlogging, reduce salinity buildup in soils, and improve water quality.
  - e. Crop Selection: Choosing salt-tolerant crop varieties and rotating crops that help reduce the impact of salinity on agricultural lands and maximize the uptake of nitrogen.
  - f. Cover Crops: Planting cover crops can help improve soil health, reduce erosion, and enhance water infiltration, ultimately reducing nutrient runoff and salt leaching.
  - g. Regular monitoring and reporting of water quality to assess the effectiveness of measures intended to mitigate degradation and prevent pollution.
67. The economic prosperity of Central Valley communities and associated industry is of maximum benefit to the people of the State and provides justification for allowing the limited groundwater degradation that may occur pursuant to this Order. Degradation of groundwater by some typical waste constituents released with discharge from the Facility after effective source reduction, treatment and control, and considering the best efforts of the Discharger and magnitude of degradation, is of maximum benefit to the people of the state.
68. The Facility contributes to the economic prosperity of the region by providing a necessary service and employment for the local community, by providing incomes

for numerous aligned businesses, and by providing a tax base for local governments. Accordingly, to the extent that any degradation occurs as the result of the Facility's operation, such degradation is consistent with the maximum interest of the people of the State of California.

69. Based on the foregoing, the adoption of this Order is consistent with the Antidegradation Policy

### **California Environmental Quality Act**

70. The Facility does not plan on expanding beyond existing facility conditions even with an authorization of a flow limit up to 120,000 gpd. The facility was already expanded in accordance with the approved 2002 MND, thus, the infrastructure and processing in place do not need future expansion to reach the flow limit. If facility expansion is needed to meet or go beyond the flow limit, the Discharger will reach out to staff regarding an amendment.
71. The issuance of this Order, which prescribes requirements and monitoring of waste discharges at an existing facility, with negligible or no expansion of its existing use, is exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., pursuant to California Code of Regulations, title 14, section 15301 (CEQA Guidelines).

### **Other Regulatory Considerations**

71. These WDRs regulate a facility that may impact a disadvantaged community and/or tribal community and includes an alternative compliance path that allows the Discharger time to come into compliance with a water quality objective (i.e., salinity and nitrate). For salinity, the Discharger has selected the Alternative Salinity Permitting Approach for the Salt Control Program, which provides an alternative approach for compliance with salinity limits through implementation of specific requirements (i.e., support facilitation and completion of the Salinity P&O Study). For nitrate, the Discharger has selected the Alternative Nitrate Permitting Approach for the Nitrate Control Program, which provides an alternative approach for compliance with the WQO for nitrate through participation in the Modesto-Valley Water Collaborative Management Zone. The Central Valley Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by conducting outreach in affected disadvantaged and tribal communities. Pursuant to Water Code section 13149.2, the Central Valley Water Board reviewed readily available information and information raised to the Board by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of these WDRs. The Board also considered environmental justice concerns within the Board's authority and raised by interested persons with regard to those impacts.
72. The Central Valley Water Board anticipates that the issuance of these WDRs will result in water quality impacts within the scope of the Board's authority. Specifically,

these WDRs authorize the continued discharge of wastewater with salinity and nitrate concentrations above applicable water quality objectives. The Central Valley Water Board has identified the following measures available and within the scope of its authority to address the impacts of the Facility's discharges of salinity and nitrate to the nearby disadvantaged communities in Stanislaus County: 1) active participation in the P&O Study and compliance with the Salt Control Program, 2) compliance with a performance-based salinity limitation, and 3) Compliance with the Nitrate Control Program, as implemented by this Order.

73. Pursuant to Water Code section 106.3, subdivision (a), it is "the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." Although this Order is not subject to Water Code section 106.3, as it does not revise, adopt or establish a policy, regulation or grant criterion, (see § 106.3, subd. (b)), it nevertheless promotes the policy by requiring discharges to meet maximum contaminant levels (MCLs) for drinking water (excluding salinity and nitrate), which are designed to protect human health and ensure that water is safe for domestic use. For salt and nitrate, this Order requires the Discharger to comply with the Salt and Nitrate Control Programs, which are consistent with the Human Right to Water Policy because these Programs' over-arching management goals and priorities include ensuring safe drinking water supply and long-term restoration of impacted aquifers.

74. This Order is issued in part pursuant to Water Code section 13263, subdivision (a), which provides as follows:

The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area ... into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of [Water Code] Section 13241.

75. This Order implements the Central Valley Water Board's Basin Plan, which designates beneficial uses for surface water and groundwater and establishes WQOs necessary to preserve such beneficial uses (Wat. Code, section 13241 et seq.). Designated beneficial uses of surface water and groundwater are discussed in Finding 42 and Finding 43, respectively.

76. Based on the threat and complexity of the discharge, the facility is determined to be classified as 2C (see Cal. Code Regs., tit. 23, § 2200), as defined below:

- a. Category "2" – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term

violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

- b. Category “C” – Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

77. This Order, which prescribes WDRs for discharges of industrial food-processing water, is exempt from the prescriptive requirements of California Code of Regulations, title 27 (Title 27), section 20005 et seq. (See Cal. Code Regs., tit. 27, § 20090, subds. (b) and (f).)
78. The California Department of Water Resources (DWR) sets standards for the construction and destruction of groundwater wells (hereafter DWR Well Standards), as described in *California Well Standards Bulletin 74-90* (June 1991) and *Water Well Standards: State of California Bulletin 94-81* (December 1981). These standards, and any more stringent standards adopted by the state or county pursuant to Water Code section 13801, apply to all monitoring wells used to monitor the impacts of wastewater storage or disposal governed by this Order.
79. Statistical data analysis methods outlined in the US EPA’s Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance (Unified Guidance) are appropriate for determining compliance with the Groundwater Limitations of this Order. Depending on the circumstances, other methods may also be appropriate.

### **Scope of Order**

81. This Order is strictly limited in scope to those waste discharges, activities, and processes described and expressly authorized herein.
82. Pursuant to Water Code section 13264, subdivision (a), the Discharger is prohibited from initiating the discharge of new wastes (i.e., other than those described herein), or making material changes to the character, volume and timing of waste discharges authorized herein, without filing a new RWD per Water Code section 13260.
83. Failure to file a new RWD before initiating material changes to the character, volume or timing of discharges authorized herein, shall constitute an independent violation of these WDRs.

84. This Order is also strictly limited in applicability to those individuals and/or entities specifically designated herein as “Discharger,” subject only to the discretion to designate or substitute new parties in accordance with this Order.

### **Procedural Matters**

85. All the above and the supplemental information and details in the attached Information Sheet (incorporated herein), were considered in establishing the following conditions of discharge.
86. The Discharger, interested agencies, and interested persons were notified of the Central Valley Water Board’s intent to prescribe the WDRs in this Order, and provided an opportunity to submit their written views and recommendations at a public hearing. (Water Code, §13167.5.)
87. At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.
88. The Central Valley Water Board will review and revise the WDRs in this Order as necessary.

### **REQUIREMENTS**

**IT IS HEREBY ORDERED** pursuant to Water Code sections 13263 and 13267, that MRP R5-2022-0801 is rescinded, except for enforcement purposes, and that the Discharger and their agents, employees, tenants, and successors shall comply with the following:

#### **A. Standard Provisions**

1. Except as expressly provided herein, the Discharger shall comply with the Standard Provisions and Reporting Requirements dated 1 March 1991 (SPRRs), which are incorporated herein.

#### **B. Discharge Prohibitions**

1. Discharge of waste to surface waters or surface water drainage courses is prohibited.
2. Discharge of waste classified as ‘hazardous’, as defined in the California Code of Regulations, title 22, section 66261.1 et seq., is prohibited.
3. Discharge of waste classified as ‘designated’, as defined in Water Code section 13173, in a manner that causes violation of groundwater limitations, is prohibited.

4. Treatment system bypass of untreated or partially treated waste is prohibited, except as allowed by Standard Provision E.2 of the Standard Provisions and Reporting Requirements for Waste Discharge Requirements.
5. Discharge of waste at a location or in a manner different from that described in the Findings is prohibited.
6. Discharge of toxic substances into any wastewater treatment system or land application area such that biological treatment mechanisms are disrupted is prohibited.
7. Discharge of domestic wastewater to the process wastewater treatment system is prohibited.
8. Discharge of process wastewater to any on-site domestic wastewater treatment system is prohibited.
9. Discharge of domestic wastewater to any surface waters is prohibited.
10. During Phase I of the Salt Control Program, the Discharger is prohibited from discharging salts at concentrations exceeding the salinity numeric value of 700  $\mu\text{mhos/cm}$  (as a monthly average) unless the Discharger is implementing the Phase I requirements of the Salt Control Program (i.e., fully participation in the P&O Study).
11. The Discharger is prohibited from discharging nitrate and other forms of nitrogen speciation (e.g., total inorganic nitrogen and total kjeldahl nitrogen) unless the Discharger is implementing the requirements of the Nitrate Control Program.

### C. Flow Limitations

1. Flows into the settling ponds, measured at flow meter location M2 as shown on **Attachment C**, shall not exceed the following limits:

**Table 14. Flow Limit**

Flow Measurement	Flow Limits
Monthly Average Daily Flow	120,000 gpd As determined by the total flow during the calendar month divided by the number of days in that month

### D. Performance-Based Effluent Limitation

1. Because the Discharger has elected to participate in the P&O Study for the Salt Control Program, this Order sets a **Performance-Based Effluent Limit of 700 mg/L for FDS as a flow-weighted average annual concentration.**



### E. Mass Loading Limitations

1. The blend of wastewater and contact storm water discharged from the sump to the LAA shall not exceed the following mass loading limits.

**Table 15. Mass Loading Limits for LAAs**

Parameter	Units	Maximum Irrigation Cycle Average	Annual Maximum
BOD <sub>5</sub>	lb/ac/day	100	--
Total Nitrogen Note 1	lb/ac/year	--	Crop Demand

Note 1: Total nitrogen loading shall also include any supplemental nitrogen applied to the LAAs, such as fertilizer.

### F. Discharge Specifications

1. No waste constituent shall be released, discharged, or placed where it will cause a violation of the Groundwater Limitation of this Order.
2. Wastewater treatment, storage, and disposal shall not cause pollution, or a nuisance as defined by Water Code section 13050.
3. The discharge shall remain within the permitted waste treatment/containment structures at all times.
4. The Discharger shall operate all systems and equipment to optimize the quality of the discharge.
5. All conveyance, treatment, storage, and disposal systems for wastewater shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
6. Objectionable odors shall not be perceivable beyond the limits of the property where the waste is generated, treated, and/or discharged at an intensity that creates or threatens to create nuisance conditions that affects an entire community or neighborhood, or any considerable number of persons.
7. As a means of discerning compliance with Discharge Specification 6, the dissolved oxygen (DO) content in the upper one foot of the wastewater Pond 3 shall not be less than 1.0 mg/L for three consecutive sampling events. If DO concentrations are less than 1.0 mg/L for three consecutive sampling events and objectionable odors are perceivable beyond the property limits, the Discharger shall report the findings to the Regional Water Board in writing within 10 days and shall include a specific plan to resolve the odors within 30 days.

8. The Discharger shall design, construct, operate, and maintain all ponds sufficiently to protect the integrity of containment dams and berms and prevent overtopping and/or structural failure. The operating freeboard in any pond shall never be less than two feet (measured vertically from the lowest possible point of overflow). As a means of management and to discern compliance with this requirement, the Discharger shall install and maintain in each pond a permanent staff gauge with calibration marks that clearly show the water level at a design capacity and enable determination of available operational freeboard.
9. Wastewater treatment, storage, and disposal ponds or structures shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, and ancillary inflow and infiltration during the winter while ensuring continuous compliance with all requirements of this Order. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.
10. On or about 1 October of each year, available capacity shall at least equal the volume necessary to comply with Discharger Specifications E.8 and E.9.
11. All ponds and open containment structures shall be managed to prevent breeding of mosquitoes. Specifically:
  - a. An erosion control program shall be implemented to ensure that small coves and irregularities are not created around the perimeter of the water surface.
  - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.
  - c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
  - d. The Discharger shall consult and coordinate with the local Mosquito Abatement District to minimize the potential for mosquito breeding as needed to supplement the above measures.
12. Newly constructed or rehabilitated berms or levees (excluding internal berms that separate ponds or control the flow of water within a pond) shall be designed and constructed under the supervision of a California Registered Civil Engineer.
13. The Discharger shall monitor sludge accumulation in the wastewater settling/storage ponds at least every **five years** beginning in **2026** and shall periodically remove sludge as necessary to maintain adequate storage capacity. Sludge removed from ponds will be hauled off-site for disposal.
14. Solids shall be stored and managed such that free draining liquid is contained (e.g., placed on a compacted, bermed outdoor pad, controlled with a leachate collection and return system), directed to a containment structure (e.g., process

water pond), or otherwise similarly controlled and contained to prevent leachate runoff and minimize infiltration.

#### **G. Groundwater Limitations**

Release of waste constituents of the combined or individual waste streams from any treatment, storage, delivery system, or LAA associated with the Facility's discharges shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or natural background groundwater quality, whichever is greater:

1. Constituents in concentrations that exceed either the Primary or Secondary MCLs established in Title 22 of the California Code of Regulations, excluding salinity provided the Discharger complies with Provision 5.
2. Contain taste or odor-producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses, (e.g., by creating off-tastes and/or odor, producing detrimental physiological responses in human, plant, animal, or aquatic life [i.e., toxicity]).

#### **H. Land Application Area Specifications**

1. The Discharger shall ensure that all water is applied and distributed with reasonable uniformity across each LAA field, consistent with good agricultural irrigation practices and reasonable agronomic rates.
2. Crops shall be grown on the LAAs. Crops shall be selected based on nutrient uptake, consumptive use of water, irrigation requirements to maximize crop uptake. Crops or other vegetation (which may include, but is not limited to pasture grasses, native grasses, orchard trees, and/or ornamental landscaping) shall be grown in the LAAs or any areas where on-site irrigation using wastewater may occur.
3. Application of waste constituents to the LAAs shall be at reasonable agronomic rates.
4. Hydraulic loading of combined effluent and supplemental irrigation water shall be managed to:
  - i. Provide water only when water is needed and in amounts consistent with crop needs;
  - ii. Maximize crop nutrient uptake;
  - iii. Maximize breakdown of organic waste constituents in the root zone; and
  - iv. Minimize the percolation of waste constituents below the root zone.

5. The Central Valley Water Board recognizes that some leaching of salts is necessary to manage salt in the root zone of the crops. Leaching shall be managed to minimize degradation and maintain or reduce, to the extent practicable, concentrations of saline constituents and nitrate (and other forms of nitrogen speciation) in receiving waters.
6. Land application of wastewater shall be managed to minimize erosion.
7. The LAAs and on-site irrigation areas shall be managed to prevent breeding of mosquitoes or other vectors.
8. LAAs shall be inspected periodically to determine compliance with the requirements of this Order. If an inspection reveals noncompliance or threat of noncompliance with this Order, the Discharger shall temporarily stop discharging immediately in the area of concern and implement corrective actions to ensure compliance with this Order.
9. If used, sprinkler heads shall be designed, operated, and maintained to ensure wastewater remains onsite.
10. Discharge to the LAAs shall not be initiated when the ground is saturated.
11. Any irrigation runoff (tailwater) shall be confined to the LAAs or returned to the treatment system and shall not enter any surface water drainage course or storm water drainage system.

#### **I. Solids Disposal Specifications**

For the purpose of this Order, residual solids include organic matter removed by screens and soil sediments removed during the treatment process. Residual solids mean organic food processing byproducts such as culls, pulp, stems, leaves, and seeds that will not be subject to treatment prior to disposal or land application.

1. Residual solids shall be removed from screens, sumps, and infiltration basins as needed to ensure optimal operation, prevent nuisance conditions, and maintain adequate storage capacity. The Discharger shall evaluate the amount of solids at the bottom of ponds once year.
2. Any handling and storage of solid waste, and residual solids shall be controlled and contained in a manner that minimizes leachate formation and precludes infiltration of waste constituents into soils in a mass or concentration that will violate the groundwater limitations of this Order.
3. If removed from the site, solid waste, and residual solids shall be disposed of in a manner consistent with Title 27, division 2. Removal for reuse as animal feed, or land disposal at facilities (i.e., landfills, composting facilities, and/or soil

amendment sites operated in accordance with valid waste discharge requirements issued by a Regional Water Board) will satisfy this specification.

4. Any proposed change in solids or disposal practices shall be reported in writing to the Executive Officer at least 90 days in advance of the change.

## J. Provisions

1. The following reports shall be submitted pursuant to Water Code section 13267, and shall be prepared as described in Provision I.2:
  - a. **By 1 April 2025**, the Discharger shall install a flow meter (M3) that measures the volume of wastewater discharged from Pond 4 to the LAAs. Within 30 days of flow meter installation, the discharger shall submit a letter to the Central Valley Water Board that describes the type and location of the flow meter.
  - b. **By 1 April 2025**, the Discharger shall submit a Groundwater Monitoring Well Installation Work Plan to incorporate upgradient conditions considering the regional gradient (see Finding 30). The report shall be prepared in accordance with, and including the items listed in, the second section of the provided document (Requirements for Monitoring Well Installation Workplans and Monitoring Well Installation Reports). The report shall describe the installation and development of all new monitoring wells and explain any deviation from the approved Work Plan. The Work Plan shall document the proposed well location, approximate screen intervals, well depth, and installation procedures.
  - c. **Within 60 days** after the installation of any new monitoring well, the Discharger shall submit a Groundwater Monitoring Well Completion Report. The report shall document the final well construction details and any deviations from the Installation Work Plan. After the well is completed, the additional well shall be monitored and sampled as described in **MRP R5-2024-XXXX**.
  - d. At least **180 days** prior to any sludge removal and disposal, the Discharger shall submit a Sludge Cleanout Plan. The plan shall include a plan for sludge removal, drying, and disposal. The plan shall specifically describe the measures to be used to control runoff or percolate from the sludge as it is drying, and a schedule that shows when solids are removed from the site prior to the onset of the rainy season (**1 October**).
2. In accordance with Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein

that contain workplans for investigations and studies, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall bear the professional's signature and stamp.

3. The Dischargers shall submit the technical reports and work plans required by this Order for consideration shall incorporate comments from the Central Valley Water Board in a timely manner, as appropriate. Unless expressly stated otherwise in this Order, the Discharger shall proceed with all work required by the foregoing provisions by the due dates specified.
4. The Discharger shall comply with MRP **R5-2024-XXXX** and any revisions thereto as ordered by the Executive Officer. The submittal dates of Discharger self-monitoring reports shall be no later than the submittal date specified in the MRP.
5. The Dischargers shall comply with the applicable provisions of the Salt and Nitrate Control Programs adopted in Resolution R5-2018-0034 (as revised per Resolution R5-2020-0057) to address ongoing salt and nitrate accumulation in the Central Valley developed as part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative.
6. The Discharger shall comply with the applicable requirements of the Modesto-Valley Water Collaborative Management Zone Implementation Plan (MZIP). This includes collaborating with the Management Zone to collect the necessary monitoring data to refine the MZIP preliminary nitrogen load estimate and support development of the Management Zone Groundwater Protection Values and Groundwater Protection Targets.
7. Per the Modesto-Valley Water Collaborative MZIP, the Discharger is identified as a Group 2 Discharger. Therefore, within 13 years following Central Valley Water Board's approval of the Modest-Valley Water Collaborative MZIP, the Discharger shall submit a **Nitrate Reduction Workplan**. The Nitrate Reduction Workplan shall include the following:
  - i. Delineation of the Facility's Area of Contribution (AOC)
  - ii. Quantification of the nitrate loading to the Upper Zone of groundwater underlying the Facility's AOC
  - iii. Estimation of the Facility's required minimum nitrogen load reduction and improvement in Facility's discharge quality to comply with the Management Zone's Groundwater Protection Target(s) (or alternative individual groundwater protection target applicable to the Facility).

- iv. A detailed time schedule to meet the interim deadlines and milestone to ensure compliance with the Nitrate Control Program. At a minimum the time schedule shall include the following:
  - A. Be as short as practicable and include interim milestones that align with the deadlines specified in the MZIP.
  - B. Provide completion dates for the following Deadlines, structured as short as practicable, with intervals no more than two to three years:
    - 1) Interim Deadline #1: Complete Facility Planning Process
    - 2) Interim Deadline #2: Select Compliance Project and Initiate Project
    - 3) Interim Deadline #3: Complete Compliance Project
    - 4) Interim Deadline #4: Demonstrate Facility Compliance
8. Provide annual progress reports to the Central Valley Water Board and the Modesto-Valley Water Collaborative. The annual progress reports shall assess compliance with the Facility's approved Nitrate Reduction Workplan and provide sufficient documentation to justify the Facility need for the Nitrate Exception (if applicable).
9. The Discharger shall comply with the SPRRs, which are attached hereto.
10. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports. On or before each report due date, the Discharger shall submit the specified document to the Central Valley Water Board or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, then the Discharger shall state the reasons for such noncompliance and provide an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board in writing when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or revocation of this Order.
11. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the Discharger when the operation is necessary to achieve compliance with the conditions of this Order.

12. The Discharger shall use the best practicable control technique(s) including proper operation and maintenance, to comply with this Order.
13. As described in the Standard Provisions, the Discharger shall report promptly to the Central Valley Water Board any material change or proposed change in the character, location, or volume of the discharge.
14. In the event that the Discharger reports toxic chemical release data to the State Emergency Response Commission (SERC) pursuant to section 313 of the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11023), the Discharger shall also report the same information to the Central Valley Water Board within 15 days of the report to the SERC.
15. At least 90 days prior to termination or expiration of any lease, contract, or agreement involving disposal or recycling areas or off-site reuse of effluent, used to justify the capacity authorized herein and assure compliance with this Order, the Discharger shall notify the Central Valley Water Board in writing of the situation and of what measures have been taken or are being taken to assure full compliance with this Order.
16. In the event of any change in control or ownership of the facility, the Discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.
17. To assume operation as Discharger under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Central Valley Water Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision B.3 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. If approved by the Executive Officer, the transfer request will be submitted to the Central Valley Water Board for its consideration of transferring the ownership of this Order at one of its regularly scheduled meetings.
18. In order to secure revocation of WDRs that are no longer necessary because the discharge to land permitted under this Order has ceased, the Discharger must contact the Central Valley Water Board to discuss appropriate wastewater treatment system closure requirements.
19. A copy of this Order including the MRP, Information Sheet, Attachments, and Standard Provisions, shall be kept at the discharge facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.



20. The Central Valley Water Board will review this Order periodically and will revise requirements when necessary.

### **ENFORCEMENT**

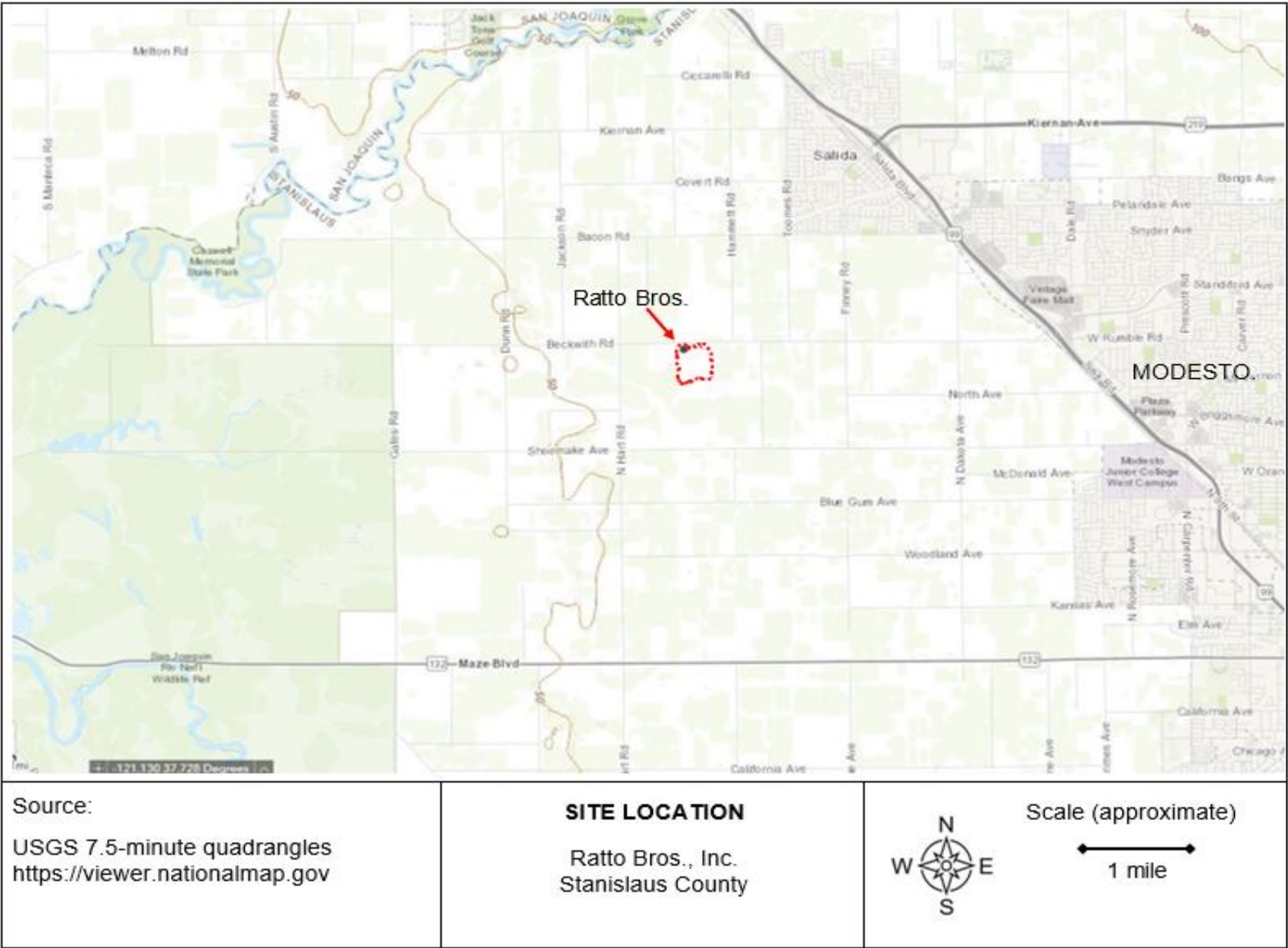
If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350, and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

### **ADMINISTRATIVE REVIEW**

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board for administrative review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the State Water Board must receive the petition by 5 pm on the 30th day after the date of this Order, except that if the 30th day falls on a Saturday, Sunday or State Holiday, the petition must be received by the State Water Board by 5 pm on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet on the [Water Boards Public Notice web page](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)).

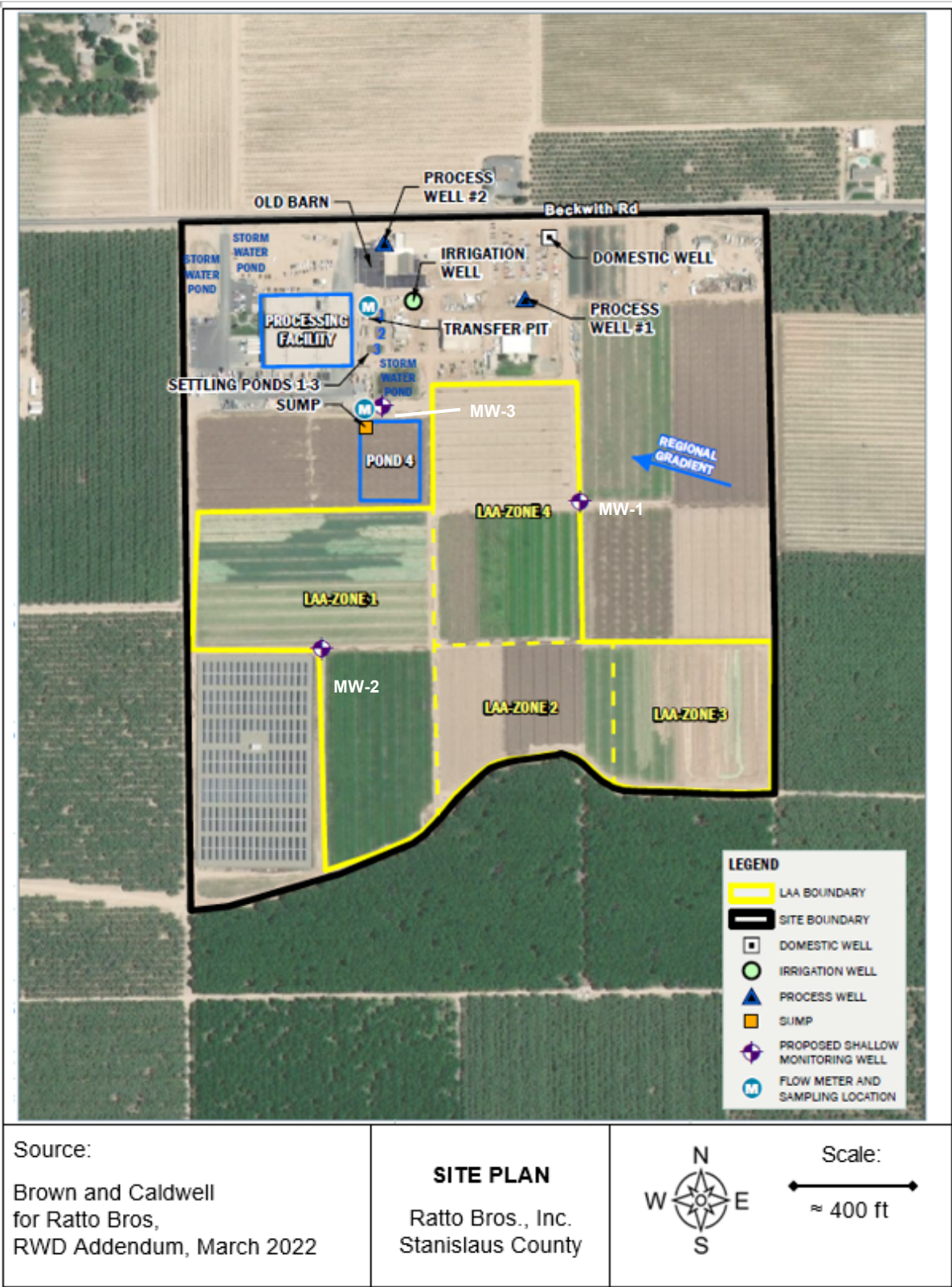
ORDER NO. R5-2024-XXXX

ATTACHMENT A



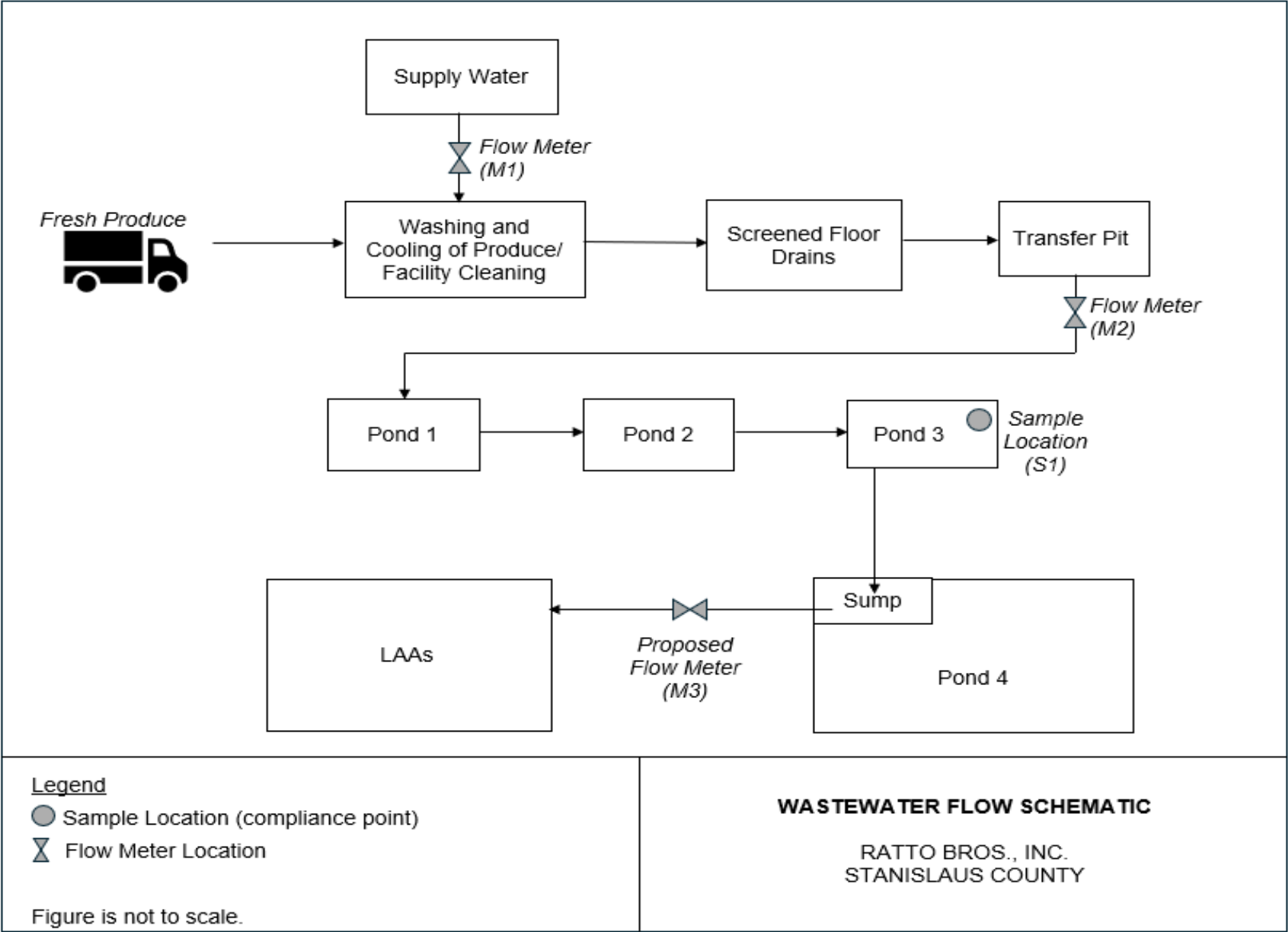
ORDER NO. R5-2024-XXXX

ATTACHMENT B



ORDER NO. R5-2024-XXXX

ATTACHMENT C



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

WASTE DISCHARGE REQUIREMENTS ORDER R5-2024-XXXX  
FOR  
RATTO BROS., INC.  
STANISLAUS COUNTY

**INFORMATION SHEET**

**Background**

Ratto Bros. (Facility) is located at 6312 Beckwith Road, Modesto in Stanislaus County. The company's origin is an existing fresh produce processing operation that was established in 1905. The Facility has operated at this location since 1962, but has not previously been regulated under Waste Discharge Requirements (WDRs).

The Facility is a 60-acre parcel that processes and chops fresh vegetables, including leafy greens, collard greens, leeks, celery, and beets. The Facility operates and discharges year-round, 16 hours a day, 6 days per week (Monday through Saturday).

**Wastewater Generation and Disposal**

Wastewater is generated from washing and cooling vegetables, equipment cleaning, and container washing. Between May and December, higher wastewater volumes are generated during vegetable washing and cooling to reduce heat on the produce and meet demand. The wastewater collection and treatment system consists of a collection system (piping and floor drains), screens, trench system, settling ponds, storage pond, and land application areas (LAAs). All vegetable processing occurs indoors.

There are two supply wells located on-site: Process Wells #1 and #2. Process Well #2 is the primary supply well and Process Well #1 functions as a backup well. The processing supply water is used for cooling, washing whole and cut vegetables, washing equipment and process areas, and washing reusable containers. Source water for potable uses for the Facility is from an on-site water well (DOMWELL-1) owned by the Discharger and regulated by the Stanislaus County Environmental Health Department. The two process wells, one domestic well and one irrigation well are located on the north side of the Facility near Beckwith Road. Analytical results from the supply wells are summarized in Finding 8. Source water quality is considered poor in regard to salts and nitrate as nitrogen.

Cooling wastewater and wastewater from Facility cleaning are directed to floor drains with screens and flows by gravity to an underground transfer pit (sump). Wastewater flow volumes are measured from the transfer pit prior to discharging to unlined settling



ponds (Ponds 1 through 3), storage Pond 4, and eventually to 31.2 acres of LAAs for use as irrigation water.

### **Groundwater Considerations**

The groundwater monitoring network at the Facility consists of three groundwater monitoring wells that were installed in 2022: MW-1, MW-2, and MW-3. Depths to groundwater range from 15 to 34 feet bgs. Groundwater generally flows to the west but varies from northwest to northeast. Groundwater quality in this area is considered poor-quality. TDS, EC, and nitrate as nitrogen concentrations exceed WQOs.

The long-term use of the area for agricultural purposes has contributed to the poor-quality groundwater. Nevertheless, due to high EC concentrations in effluent, the use of unlined ponds, and shallow depths to groundwater, EC in wastewater has the potential to continue to degrade groundwater. For the protection of groundwater quality, this Order requires effluent and groundwater be monitored for EC and the Discharger's continued participation in the CV-SALTS Salt Control Program.

Regarding potential groundwater impacts associated with salinity, TDS is representative of overall salinity. The best measure for total salinity in groundwater is TDS. FDS is the non-volatile fraction of TDS that has the potential to percolate or leach into shallow groundwater. Therefore, the best measure for total salinity in the process wastewater is FDS. Between the fourth quarter of 2022 through 2023, FDS concentrations in Pond 3 ranged from 46 mg/L to 668 mg/L.

TDS concentrations in the groundwater monitoring wells during the 12 monitoring events in 2023 exceeded the potential WQO of 500 mg/L, with the maximum TDS concentration of 2,280 mg/L detected in MW-1. The minimum TDS concentrations of 660 mg/L, detected in MW-3, also exceeds the WQO. Concentrations for TDS in groundwater for data collected in 2023 show stable concentrations in MW-1, MW-2, and MW-3. Because the concentrations of FDS/TDS in effluent are less than TDS concentrations in groundwater, the groundwater pollution and degradation is not likely the sole the result of the Facility's discharge. The long-term use of the area for agricultural purposes in addition to the discharge has contributed to the poor-quality groundwater.

The Discharger has elected to participate in the P&O Study under Pathway Option 2 for the Salt Control Program. For the protection of groundwater from discharges of wastewater, this Order establishes a Performance-Based Effluent Limit of 700 mg/L for FDS as a flow-weighted average in the treatment pond. The Performance-Based Effluent Limit was based on wastewater data collected in 2023. This Performance-Based Effluent Limit is intended to prevent increases of TDS concentrations in groundwater beyond current conditions. In addition, this Order requires the Discharger to continue its efforts to control and manage salinity in its discharge and participate and comply with the Salt Control Program. Compliance with the Performance-Based Effluent

Limit shall constitute compliance with the water quality control plan and shall be deemed adequately protective of beneficial uses.

Regarding potential groundwater impacts associated with nitrate, the potential for groundwater degradation depends on wastewater quality and the ability of the vadose zone to support nitrification and denitrification to convert nitrogen to nitrogen gas before it reaches the water table. Most of the nitrogen in the process wastewater is present as nitrate as nitrogen. The flow-weighted average nitrate as nitrogen concentration was 15 mg/L in process wastewater in data collected in 2023. Concentrations of nitrate as nitrogen in groundwater were reported up to 190 mg/L (MW-1). The nitrate pollution is likely due to the long-term use of the area for agricultural purposes. Discharges of wastewater from this Facility will not degrade groundwater beyond current conditions.

For the continued protection of groundwater quality, this Order requires the effluent and groundwater to be monitored for TKN, total nitrogen, and nitrate as nitrogen, sets a nitrogen loading limit to the LAAs, requires the Discharger to continue its efforts to control and manage nitrogen in its discharge, and participate and comply with the Nitrate Control Program.

### Antidegradation

Below is a comparison of source, effluent, and groundwater quality. Concentrations are in mg/L unless noted otherwise.

Constituent (MW-1,2,3)	Source Water (Process Well #2)	Flow Weighted Average Effluent Concentrations	GW Quality (MW-1, MW-2, and MW-3)	Potential WQO
EC (µmhos/cm)	932	1,017	2,290	700
TDS	618	751	1,754	500
FDS	NA	473	NA	NE
Nitrate as Nitrogen	23	15	112	10
Iron (µg/L)	ND	77 Note 1	30	300
Manganese (µg/L)	ND	154 Note 1	5	50

Note 1: Average concentrations are presented.

### **Discharge Prohibitions, Effluent Limitations, Discharge Specifications, and Provisions**

The Order sets the following limits:

<b>Requirement</b>	<b>Limits</b>
Monthly Average Daily Flow	120,000 gpd As determined by the total flow during the calendar month divided by the number of days in that month
FDS Performance Based Effluent Limit	700 mg/L (flow-weighted annual average)
BOD Loading Limit	100 lb/ac/day/irrigation cycle
Nitrogen Loading Limit	Crop Demand
Dissolved Oxygen (DO) Limit	Greater than 1.0 mg/L for three consecutive sampling events (see Discharge Specifications F.7 for more details)

In addition, the Order requires the installation of an upgradient groundwater monitoring well, the installation of an additional flow meter (M3), and the submittal of a Nutrient Management Plan. Wastewater quality and flow volumes, source water quality, pond, solids, LAA monitoring, and groundwater monitoring and sampling are required based on the **MRP Order R5-2024-XXXX**.

### **Monitoring Requirements**

Section 13267 of the California Water Code authorizes the Central Valley Water Board to require monitoring and technical reports as necessary to investigate the impact of waste discharges on waters of the State. Water Code Section 13268 authorizes assessment of civil administrative liability where appropriate. The Order includes effluent, percolation pond, solids, groundwater, and water supply monitoring requirements. This monitoring is necessary to characterize the discharge and evaluate compliance with the requirements and specifications in the Order.

### **Salt and Nitrate Control Programs Regulatory Considerations**

As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments (Resolution R5-2018-0034) incorporating new programs for addressing ongoing salt and nitrate accumulation in the waters and soils of the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Resources Control Board adopted Resolution No. 2019-0057 conditionally approving the Central Valley Water



Board Basin Plan amendments and directing the Central Valley Water Board to make targeted revisions to the Basin Plan amendments within one year from the approval of the Basin Plan amendments by the Office of Administrative Law. The Office of Administrative Law (OAL) approved the Basin Plan amendments on 15 January 2020 (OAL Matter No. 2019-1203-03).

Pursuant to the Basin Plan amendments, dischargers received a Notice to Comply with instructions and obligations for the Salt Control Program within one year of the effective date of the amendments (17 January 2020). Upon receipt of the Notice to Comply, the Discharger will have no more than six months to inform the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting). The level of participation required of dischargers whose discharges do not meet stringent salinity requirements will vary based on factors such as the amount of salinity in the discharge, local conditions, and type of discharge. The Discharger (**CV-SALTS ID 3602**) has chosen to pursue Option 2 (Alternative Salinity Permitting Approach).

For the Nitrate Control Program, the Discharger falls within the Groundwater Basin 5-022.02 (San Joaquin Valley, Modesto Sub-Basin), a Priority 1 Basin. To comply with the Nitrate Control Program, Discharger is a participant of the Modesto-Valley Water Collaborative Management Zone. More information regarding the CV-SALTS regulatory planning process can be found at the following link:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/salinity/](https://www.waterboards.ca.gov/centralvalley/water_issues/salinity/)

The CV-SALTS initiative will result in regulatory changes that will be implemented through conditional prohibitions and modifications to many WDRs regionwide, including the WDRs that regulate discharges from the Facility. More information regarding the CV-SALTS regulatory planning process can be found at the following link:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/salinity/](https://www.waterboards.ca.gov/centralvalley/water_issues/salinity/)

### **Reopener**

The conditions of discharge in the Order were developed based on currently available technical information and applicable water quality laws, regulations, policies, and plans, and are intended to assure conformance with them. The Order sets limitations based on the information provided thus far. If applicable laws and regulations change, or once new information is obtained that will change the overall discharge and its potential to impact groundwater, it may be appropriate to reopen the Order.

### **Legal Effect of Rescission of Prior WDRs or Orders on Existing Violations**

The Central Valley Water Board's rescission of prior waste discharge requirements and/or monitoring and reporting orders does not extinguish any violations that may have occurred during the time those waste discharge requirements or orders were in effect. The Central Valley Water Board reserves the right to take enforcement actions to

address violations of prior prohibitions, limitations, specifications, requirements, or provisions of rescinded waste discharge requirements or orders as allowed by law.