

**REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION BOARD MEETING
13 DECEMBER 2024**

**RESPONSE TO WRITTEN COMMENTS FOR THE
RATTO BROS., INC.
RATTO BROS.
STANISLAUS COUNTY
TENTATIVE WASTE DISCHARGE REQUIREMENTS**

At a public hearing scheduled for 13 December 2024, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of waste discharge requirements for Ratto Bros., Inc. (hereby Discharger), for Ratto Bros. (Facility) in Stanislaus County. This document contains responses to written comments received from an interested person and the Discharger regarding the tentative waste discharge requirements (WDRs) circulated on 10 October 2024. Written comments were required by public notice to be received by the Central Valley Water Board by 10 November 2024 to receive full consideration. Comments were received prior to the deadline from:

1. Ratto Bros., Inc. (Discharger)
2. Jo Anne Kipps

Written comments from the above interested parties are summarized below, followed by the response of Central Valley Water Board staff.

DISCHARGER (Ratto Bros., Inc.) COMMENTS

COMMENT 1: Tentative WDRs, Requirements, Page 29, Table 14.
Does the BOD loading limit of 100 lb/ac/day account for a 50% increase recommended by the California League of Food Producers Manual (2024) for sprinkler irrigation on well-drained soil?

RESPONSE:

The 50% recommended increase was considered but not applied in this case due to the current reporting being significantly under the BOD loading limit that would be set. Current reporting has BOD >2 lb/acre/day over the current acreage. The 100 lb/acre/day limit will stay the same.

COMMENT 2: Tentative WDRs, Requirements, Page 31, Item #13.
Is there required reporting associated with the pond sludge monitoring required at least every 5 years?

RESPONSE:

The WDRs require the Discharger to monitor sludge accumulation every 5 years. If sludge needs to be removed, the Discharger shall submit a sludge cleanout plan 180 days prior to removal and disposal (See Discharge Specification F.13 and Provision J.1.d. of the proposed WDRs). “The Discharger shall evaluate the amount of solids at the bottom of ponds once year...” was added in the WDRs and requirements for measuring were added to the MRP Table 5.

COMMENT 3: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, D. Pond Monitoring, Page 6, Item #1.

Is the Pond 4 irrigation sump included in the pond monitoring specified in this section if the unlined portion of Pond 4 is dry?

RESPONSE:

Clarification was added to the MRP in Section II.D.2 stating that the sump shall be monitored for the same parameters as the ponds, with the exception of visual observation of the berms for animal burrows.

COMMENT 4: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, D. Pond Monitoring, Page 6, Item #2.

Dissolved oxygen (DO) is listed for monitoring in Section D.1.d., but DO is not listed in Table 5, which specifically lists Ponds 1 to 4. The WDR sets a limit for DO in Pond 3 but none of the other ponds. Is DO required to be monitored in only Pond 3, or also in Ponds 1, 2, and 4?

RESPONSE:

A requirement was added to Table 5 to include DO monitoring for every pond.

COMMENT 5: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, E. Land Application Area Monitoring, Page 8, Table 6.

For irrigation cycle average BOD loading rate, the units are “lb./ac/day”, and Measurement Frequency is “Monthly”. This Measurement Frequency indicates that only the monthly maximum irrigation cycle average BOD loading rate (corresponding to the WDR limit for “Maximum Irrigation Cycle Average”) is to be reported in the Quarterly Report. If all irrigation cycles are to be reported in the Quarterly Report, we suggest changing the measurement frequency to “Daily” to avoid confusion.

RESPONSE:

Text was revised as proposed.

COMMENT 6: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, E. Land Application Area Monitoring, Page 8, Table 6.

For FDS loading rate, Section III.A.4.b states that the mass of FDS applied to the LAA should be reported on a daily basis. Suggest changing the Measurement Frequency in Table 6 to “Daily” instead of “Monthly” to avoid confusion.

RESPONSE:

Changed measurement units to lb/ac/month to avoid confusion.

COMMENT 7: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, E. Land Application Area Monitoring, Page 8, Table 6. Total effluent nitrogen loading and total supplemental nitrogen loading in Table 6 have a Reporting Frequency of “Quarterly” but are not included in the Quarterly Monitoring Report requirements under Section III.A. Instead, “Nitrogen loading rate” is included in the Annual Monitoring Report requirements under Section III.B.5.a. Suggest changing Reporting Frequency in Table 6 to “Annually” to avoid confusion.

RESPONSE:

Changed measurement units to lb/ac/month to avoid confusion. The “Nitrogen loading rate” section was relocated from the annual to quarterly section in the MRP.

COMMENT 8: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, E. Land Application Area Monitoring, Page 8, Table 6. Total effluent nitrogen loading and total supplemental nitrogen loading in Table 6 have units of “lb/ac/day”. Suggest changing these to “lb/ac/month” to match nitrogen loading rate equation in Section III.B.5.a.

RESPONSE:

Text was revised as proposed.

COMMENT 9: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, F. Groundwater Monitoring, Page 8, Second Paragraph. MRP states that new monitoring wells shall be monitored on an annual basis; however, the MRP is requiring current monitoring wells to be monitored on a quarterly basis.

RESPONSE:

The MPR was modified to show quarterly sampling for new wells.

COMMENT 10: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, F. Groundwater Monitoring, Page 9, Fourth Paragraph. The first two sentences are repeated later in the paragraph.

RESPONSE:

Text has been corrected.

COMMENT 11: Tentative Monitoring and Reporting Program (MRP), II. Specific Monitoring Requirements, F. Groundwater Monitoring, Page 9, Fourth Paragraph. Suggest modifying last sentence to read, “Samples shall be filtered with a 0.45-micron filter, either in the field at time of sample collection or at the laboratory, prior to sample preservation for standard minerals.”

RESPONSE:

The specification of Laboratory was taken out to generalize for field testing and language was added to meet current MRP specifications.

COMMENT 12: Tentative Monitoring and Reporting Program (MRP), III. Reporting, A. Quarterly Monitoring Reports, Page 12, Item #4.
Suggest changing sentence to read, "Calculated hydraulic loading rate for each day..." to be consistent with Section II.E. Table 6.

RESPONSE:

Text has been revised as proposed.

COMMENT 13: Tentative Monitoring and Reporting Program (MRP), III. Reporting, B. Annual Monitoring Reports, Page 16, Item #5.
Section II.E. Table 6 specifies that "Total effluent nitrogen loading rate" and "Total supplemental nitrogen loading rate" be reported separately; however, the nitrogen loading rate equation in Section III.B.5.a includes effluent and supplemental nitrogen added together. The WDR mass loading limit for Total Nitrogen in Table 14 of the WDRs is applicable to nitrogen loading from wastewater and storm water but does not include supplemental nitrogen. Suggest separating out supplemental nitrogen from the nitrogen loading rate equation in Section III.B.5.a to be consistent with Section II.E. Table 6 and WDRs Table 14.

RESPONSE:

Note added in Table 14 of WDR.

PUBLIC (J. Kipps) COMMENTS

COMMENT 1:

Please revise the tentative order to identify the Discharger as Ratto Bros., Inc. throughout the document, and consider revising the Facility name to Fresh Produce Processing Facility. And, include the Facility zip code on the title page to be consistent with other template-based WDRs.

RESPONSE:

Zip code was added. The discharger was called and confirmed that the facility name is referred to as "Ratto Bros." facility. This is, and will be, their only facility. The submitted Form 200 and secretary of state business name is "Ratto Bros., Inc." which is now listed as the Discharger's name. Discharger and Facility names were, thus, updated.

COMMENT 2:

Please revise Finding 3 and the Information Sheet to indicate the company's origin, not the Facility, dates back to 1905. And, disclose that the Facility's discharge is regulated or otherwise subject to the requirements of MRP R5-2022-0801.

RESPONSE:

Revisions made with respect to statement on company's origin. Finding 3 updated as such: "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."

COMMENT 3:

Consider revising Finding 8 and the Information Sheet Page 41, third paragraph, to read: "The wastewater collection and treatment system consists..."

RESPONSE:

Text was revised as proposed.

COMMENT 4:

Please revise the tentative order to characterize the discharge to groundwater from the Facility's three unlined settling ponds and unlined storage pond. At a minimum, provide the estimated percolation rates for these ponds, and disclose their estimated annual hydraulic loadings to groundwater in terms of feet per year and the estimated associated annual loadings to groundwater for FDS, nitrogen, and BOD in terms of pounds per acre per year. If staff does not have the time or resources for this characterization, consider revising the tentative order to include a provision requiring the Discharger to provide this information, preferably based on field determinations of pond percolation rates. Should the resulting information indicate the unlined ponds are concentrated sources of waste constituents that threaten to violate groundwater limitations, it would be appropriate to reopen the order for consideration of more stringent requirements (e.g., equipping the settling ponds with a liner meeting a hydraulic conductivity standard of 1×10^{-6} centimeters per second).

RESPONSE:

Percolation rates provided in the 2022 RWD Addendum were added to Table 3. A discussion of the characterization of the discharge and potential impacts on groundwater is included in Antidegradation Section and the Information Sheet. The MRP requires the Discharger to calculate the annual loading rates to the LAAs for FDS, nitrogen, and BOD, the hydraulic loading rate, and submit the information annually. Annual loading rates to groundwater from the ponds were added as Finding 17 and the MRP was modified to require annual reporting of the loading rates to groundwater from the ponds.

COMMENT 5:

In general, when reviewing proposed locations for compliance groundwater wells, staff should question the suitability of proposed locations when they are in close proximity to unlined irrigation canals, surface water drainages, storm water disposal ponds, etc. The resulting monitoring data does not truly characterize groundwater affected by a discharge if groundwater is also influenced by the percolation of higher quality water than the discharge.

RESPONSE:
Comment noted.

COMMENT 6:
Please revise the tentative order to characterize the quality of the groundwater extracted from Facility's domestic water supply well for the same constituents as Process Wells #1 and #2 in Finding 9. Also provide the perforation interval of the Facility's domestic supply well.

RESPONSE:
Domestic water is not used for produce processing and, therefore, has no impact on effluent quality. The quality of source water used for produce processing is presented on Tables 1 and 2.
The WDRs focus on first encountered groundwater. In 2018, a Notice of Applicability (NOA) for coverage under the Waiver of Report of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge within the Central Valley Region, Resolution R5-2018-0085 (Waiver) was issued to the Discharger to allow discharges of filter backwash wastewater to land. The quality of the wastewater was included in the NOA and as stated in the NOA, the discharge of filter backwash wastewater will not cause exceedances of water quality objectives as the quality of the discharge is similar to raw well quality. The discharge from this past activity posed an insignificant threat to groundwater quality and therefore is discussed in the tentative WDRs. The NOA expired in December 2023 and has not been reissued. No additional water quality data was added to the tentative WDRs.

COMMENT 7:
Information Sheet, Page 41, third paragraph, second sentence. Revise to read: "...on the produce and meet demand."

RESPONSE:
Text was revised as proposed.

COMMENT 8:
Information Sheet, Page 42, second paragraph, third sentence: "As presented in Findings 30 to 32, groundwater quality in this area is considered poor-quality." Same page, last paragraph, second sentence: "Groundwater quality in the area is considered high-quality water." This contradicts the earlier characterization of area groundwater as being of poor quality.

RESPONSE:
Text revised to "...the area is not considered high-quality water."

COMMENT 9:
Please revise the MRP to increase groundwater monitoring frequency to quarterly. The MRP may allow the frequency be reduced to semi-annual after three years provided a

reduction in sampling frequency will still provide data representative of groundwater quality.

RESPONSE:

Because these are new WDRs for the discharge, the MRP was revised to require quarterly sampling and annual reporting for the groundwater results.