

**REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION BOARD MEETING
27 AUGUST 2026**

**RESPONSE TO WRITTEN COMMENTS FOR THE
CITY OF TRACY AND LEPRINO FOODS COMPANY
LAND-BASED TREATMENT UNITS OF THE
TRACY WASTEWATER TREATMENT PLANT
SAN JOAQUIN COUNTY
TENTATIVE WASTE DISCHARGE REQUIREMENTS**

At a public hearing scheduled for 27 August 2026, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs) for the City of Tracy and Leprino Foods Company (hereby collectively referred to as Dischargers), for the Land-Based Treatment Units of the Tracy Wastewater Treatment Plant (Facility) in San Joaquin County. This document contains responses to written comments received from interested people regarding the tentative WDRs circulated on 29 April 2026. Written comments were required by public notice to be received by the Central Valley Water Board by 29 May 2026 to receive full consideration. Comments were received prior to the deadline from:

1. The City of Tracy
2. Jo Anne Kipps

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff have made changes to the tentative Waste Discharge Requirements (WDRs) and the Monitoring and Reporting Program (MRP) in response to the comments.

CITY OF TRACY COMMENTS

COMMENT 1: Finding 3. Introduction. Leprino operates and leases the lagoons and treatment Pond 002 under an industrial pretreatment permit issued by the City of Tracy.

RESPONSE: Finding 3 was edited as follows:

The City of Tracy authorizes industrial discharges from Leprino to ~~the lagoons and~~ Treatment Pond 002 under the City's Industrial Pretreatment Program.

COMMENT 2: Finding 23. Request to add the Emergency Storage Ponds to this finding to state "the holding ponds and Emergency Storage Ponds".

RESPONSE: The following text was added to the Order:

Under normal operations, most treated effluent that does not meet Title 22 standards is routed to the Emergency Storage Basin (ESB), which is included in the City's NPDES permit.

COMMENT 3: Finding 26. Revise the finding to include the holding ponds and Emergency Storage Ponds.

RESPONSE: The finding was not revised to include the ESB. Discharges to the ESB are included in the City's NPDES permit. Additional monitoring requirements for the ESB may be added to the NPDES MRP during the permit renewal scheduled for 2027.

COMMENT 4: Table 9 should be changed to Table 7.

RESPONSE: The table number was corrected.

COMMENT 5: E. Salinity Action Level. State the Pond Number and/or sampling location (i.e., EFF 002/INF 001) here and in the MRP.

RESPONSE: Compliance sample locations are not presented in WDRs. The MRP was updated to show sample location INF-002 as the compliance point for the Salinity Action Level, based on subsequent clarifications from the City.

COMMENT 6: Discharge Specifications should be section F.

RESPONSE: The formatting error was corrected.

MONITORING AND REPORTING PROGRAM COMMENTS

COMMENT 7: In Table 1, change to "MW-2 to MW-8." The 2007 WDR does not include MW-1. MW-1 is no longer used for groundwater quality monitoring because it is not as representative of ambient conditions as MW-5 and does not have a pump. It is only used for groundwater level monitoring.

RESPONSE: As stated in the comment, MW-1 is used to measure groundwater levels. Therefore, it was not removed from the MRP. However, the MRP was clarified to state the MW-1 would only be monitored for groundwater levels and groundwater quality samples are not required. The screen interval was added to the table.

COMMENT 8: Monitoring location for Salinity should be identified. Make sure description of EFF-002 and INF-001 are consistent between the MRP and WDR – ATT C.

RESPONSE: Sample location nomenclatures were updated based on subsequent communications with the City, and the text and attachment were updated accordingly.

COMMENT 9: Table 3 should be corrected to total dissolved solids (TDS).

RESPONSE: Constituents are not presented on Table 3; however, TDS was added to Table 4.

COMMENT 10: WDR – Discharge specifications - Section E.10 – state that "The Dischargers shall monitor sediment accumulation in the ponds at least every five years

beginning in 2027....” Revise Table 7 language to be consistent with this requirement – measured ever 5 years.

RESPONSE: The required monitoring frequency was revised to every three years.

COMMENT 11: Quarterly Monitoring Requirements. Consistent with the WDR Section D. Salinity Action Level – change this to TDS.

RESPONSE: Agreed.

JO ANNE KIPPS COMMENTS

Due to the large number of comments, minor editorial and formatting corrections suggested by the commenter were incorporated into the Order, but responses to those edits were not individually addressed in the responses below.

COMMENT 1: Revise the Tentative Order to refer to the regulated facility as “Land Discharge Units of the City of Tracy Wastewater Treatment Plant.”

RESPONSE: After issuance of the Tentative Order, the City updated the name for this portion of the Facility to “Land-Based Treatment Units of the Tracy Wastewater Treatment Plant”. The WDRs and MRP were updated accordingly.

COMMENT 2: Change “treated disinfected effluent” wording and add that the NPDES Order regulates the City’s Industrial Pretreatment Program.

RESPONSE: The suggested wording change is not necessary because “treated and disinfected effluent” is standard terminology in Waste Discharge Requirements and NPDES permits. The phrase is also consistent with engineering usage and U.S. EPA terminology, which uses “effluent” broadly to refer to wastewater discharged from a treatment facility.

To improve clarity, Finding 2 was revised as follows:

City’s discharge to Old River consists of treated industrial and disinfected domestic effluent. Discharges to Old River are regulated under Order R5-2022-0073 (NPDES No. CA0079154).

And Finding 3 was revised as follows:

The City of Tracy authorizes industrial discharges from Leprino to Treatment Pond 002 under the City’s Industrial Pretreatment Program. The Pretreatment Program is included in NPDES Order R5-2022-0073.

COMMENT 3: Questions regarding the nomenclature for ponds and sample locations.

RESPONSE: The Dischargers use the three-digit identifiers and the WDRs and MRP reflect that nomenclature.

COMMENT 4: The commenter requests clarification regarding whether sludge is being discharged to Holding Ponds 1 and 2, including the type, quantity, and frequency of any such discharges. The commenter asserts that if municipal sludge or waste activated sludge (WAS) is being diverted to the ponds, this would constitute a treatment bypass and violate discharge prohibitions and therefore recommends prohibiting any sludge or supernatant discharges to unlined ponds.

RESPONSE: The Tentative Order does not authorize the discharge of municipal sludge or WAS to any holding pond or to Treatment Pond 002. No municipal sludge is discharged to the holding ponds as part of routine operations, and the Dischargers did not report any such practice in their RWD, supplemental submittals, or in discussions with the Dischargers.

The Tentative Order does allow decant water and overflow from the anaerobic digesters to be directed to the holding ponds on an as needed basis. This material is supernatant, not sludge, and consists of the liquid fraction separated during digestion. Occasional management of digester supernatant under the conditions specified in the Order does not constitute a treatment bypass and does not violate the discharge prohibitions.

Solids that accumulate in the holding ponds originate from the industrial pretreatment process (Leprino wastewater), not from the City's municipal sludge treatment system. The Tentative Order includes sludge management requirements and a Sludge Cleanout Plan to ensure proper removal and disposal of these solids. Based on the information provided, no revisions to the Tentative Order are necessary.

COMMENT 5: Finding 6 refers to the Tentative Order's MRP as an "MRP Order." While the MRP is issued pursuant to California Water Code section 13267 (CWC § 13267), inclusion of "Order" is unnecessary and not commonly inserted in the titles of MRPs adopted by the Central Valley Water Board or issued by its Executive Officer.

RESPONSE: The Monitoring and Reporting Program (MRP) issued with the Tentative Order is adopted pursuant to Water Code section 13267 and is enforceable as a separate order of the Executive Officer. For this reason, referring to it as an "MRP Order" is consistent with standard Central Valley Water Board practice and accurately reflects its regulatory status. No revisions to Finding 6 are necessary.

COMMENT 6: The commenter challenges Finding 8, noting elevated manganese and arsenic concentrations in groundwater monitoring wells above applicable WQOs. Additionally, the commenter notes in several locations inconsistent or incorrect units between mg/L and µg/L. The commenter argues that manganese and arsenic exceedances indicate pond leachate has caused violations of the previous WDR and should instead be considered designated waste requiring Title 27 containment.

RESPONSE: The Central Valley Water Board has not issued Notices of Violation, enforcement actions, or other formal compliance determinations indicating violations of that WDRs Order R5-2007-0038. The groundwater data cited by the commenter

is being used to inform updated requirements in the Tentative Order, not to retroactively determine violations of the previous one.

The units for arsenic, iron, and manganese were corrected throughout the Tentative Order.

The Tentative Order requires disposal of residual sludge, biosolids, and solid waste in a manner consistent with Title 27 requirements. Additionally, the Order has been revised to require a groundwater limitations evaluation.

COMMENT 7: Confirm whether the RWD submittals also described the following: (1) the sludge drying beds (SDBs), specifically their asphalt/cement liner, subbase construction (e.g., compacted soil), and decant collection and return system; (2) biosolids storage areas and their containment and leachate collection and disposal; and (3) the emergency storage basin (ESB) and the frequency of its use and method of returning partially treated municipal wastewater and off-spec effluent to the main treatment works.

RESPONSE: The RWD appropriately described the waste management units regulated under these WDRs, including the lined sludge drying beds, which serve as the Facility's only solids and sludge management areas. After dewatering, the biosolids are removed for off-site disposal.

This Order includes a groundwater limitations evaluation and conditional compliance schedule, requiring the Dischargers to conduct a thorough evaluation of all potential sources of groundwater pollution and to identify corrective actions needed to ensure containment and groundwater protection.

Items related to the City's Industrial Pretreatment Program and the ESB fall under NPDES Order R5-2022-0073 and are not required elements of the RWD for this Order. However, the ESB outline has been added to Attachment B for clarity. Additional monitoring requirements for the ESB may be included in the NPDES MRP as part of the scheduled update in 2027.

COMMENT 8: The finding should also identify Leprino's annual revenues (\$3.6 billion in 2025). Disclosure of Leprino's annual revenues is appropriate as significant and expensive corrective actions are necessary to mitigate groundwater impacts resulting from the treatment of its industrial wastewater in unlined holding ponds. Also, Finding 1 refers to the company as Leprino and Finding 10 refers to it as Leprino Foods.

RESPONSE: The purpose of the Findings is to describe the Facility, the discharge, and the regulatory basis for the Order. The Central Valley Water Board does not generally include company-specific financial information, such as annual revenue, in the Findings of WDRs. In this case however, the following statement was added to Finding 10:

... and generates approximately \$3.6 billion in annual revenue.

Finding 10 was corrected.

COMMENT 9: Finding 11 indicates the industrial wastewater pretreatment system includes two lagoons (Lagoons 1 and 2) and one treatment pond (Pond 2). It does not indicate the lagoons are operated in series, as done in the 2022 order's Industrial Wastewater Treatment Flow Schematic (Figure C-2). The Tentative Order's Site Features Map (Attachment C) identifies the Industrial Pretreatment Lagoons but not individual lagoons. Since the MRP requires monitoring of both lagoons, each should be provided a separate monitoring location and Finding 11 should describe the location of each (e.g., first-stage Lagoon 1 is immediately west of second-stage Lagoon 2).

RESPONSE: The Tentative Order intentionally does not prescribe a fixed operating sequence for the lagoons, which is based on discussions with Leprino representatives. The only requirement is that Leprino's industrial wastewater undergoes lagoon pretreatment prior to entering Treatment Pond 002. The Dischargers may operate the lagoons in series, in parallel, or with varying flow configurations as needed for maintenance or process control, and maintaining this operational flexibility is important for effective system performance.

For this reason, the Tentative Order does not specify the order in which the lagoons must be used. Each lagoon is already identified as part of the pretreatment system, and monitoring requirements apply to each as appropriate. However, each lagoon was labeled on Attachment B.

COMMENT 10 : Revise Finding 11 to identify the lagoon's surface area, total and working depths, and working volume. The liners' age is approaching if not exceeding their service life. This fact is sufficient to require their replacement. Revise Provision J.2.b. to require a work plan and implementation schedule for replacing the liners, and to complete the work within three years following order adoption. Recall that Leprino's annual revenue in 2025 was \$3.6 billion. It can afford the liner replacement work. Also, it is likely that this WDR order, once adopted, will not be revisited or updated for 20 years.

RESPONSE: The WDRs were revised to include a groundwater limitations evaluation and conditional compliance schedule, which includes evaluating the working condition of each identified source. Mitigation measures will be identified based on the evaluation and required to be completed in a timely manner.

COMMENT 11: Finding 12 suggests that any liner punctures in the lagoons below the water line "will result in saturation of the berm and visual indications of leaking wastewater should be visible on the surrounding berm slopes." This may be true for punctures along or near the lagoon's perimeter, but not necessarily so for punctures or failures near the lagoons' center.

RESPONSE: The statement in Finding 12 regarding visual detection of liner punctures was removed. Although the information was included in the RWD, staff's site inspection did not support the conclusion that liner breaches would result in observable berm saturation. A groundwater limitations evaluation and conditional compliance schedule was added to the Order to require the Dischargers to identify all potential sources of groundwater pollution and includes an evaluation of the liners.

COMMENT 12: Revise Finding 13 to identify the quantities of urea and acetic acid used annually for optimizing lagoon pretreatment. Also revise the Tentative MRP's annual reporting requirements to include the quantities of urea and acetic acid used over the reporting year.

RESPONSE: Quantities of additives used during pretreatment was not included in the RWD and this statement was added to the Order. The MRP was modified to require annual reporting of the quantities of chemical additives used as part of the treatment process.

COMMENT 13: What is the frequency of lagoon influent monitoring and what parameters and constituents are monitored (e.g., as specified in Leprino's pretreatment permit)? Are the influent samples grab or composite? Are the parameters and constituents identified in Table 2 the only ones monitored or are other constituents also periodically monitored (e.g., total Kjeldahl nitrogen [TKN], total suspended solids [TSS]). If TKN is also monitored, revise Table 2 to provide TKN results.

RESPONSE: The influent data presented in Table 2 reflects three special purpose characterization samples collected at staff's request to support development of the Tentative Order. These samples were not required under the existing MRP for Order R5-2007-0038; however, the Dischargers voluntarily provided the requested data to assist staff in evaluating industrial wastewater quality during permit development and the samples were analyzed for the constituents presented on the table.

The revised MRP will establish formal and ongoing influent monitoring requirements, including monitoring locations, frequencies, sampling procedures, and required parameters. Constituents such as TKN, ammonia-N, and other parameters will be included as part of this updated program, ensuring comprehensive influent characterization moving forward.

Because the samples in Table 2 were one-time characterization samples obtained outside of a formal MRP requirement and because expanded influent monitoring is already provided for under the revised MRP, no revisions to Finding 15 or Table 2 are necessary.

COMMENT 14: Revise Finding 16 to disclose the quantities of ferric chloride, phosphoric acid, and polymer used annually. Also revise the Tentative MRP's annual reporting requirements to include the quantities of ferric chloride, phosphoric acid, and polymer used over the reporting year.

RESPONSE: Quantities of additives used during pretreatment was not included in the RWD and this statement was added to the Order. The MRP was modified to require annual reporting of the quantities of chemical additives used as part of the treatment process.

COMMENT 15: Disclose the screen bar spacing or perforation size of the rotary drum screen and describe the management and disposal of removed solids. Revise Finding 17 to read: "...to allow for settling of ~~feed-waste~~ solids **generated from pretreatment** and

~~clarification of the pretreated wastewater.~~ A rotary **drum** screen ~~polishes~~ **separates solids from** the pretreated **wastewater** just prior to the oxidation and holding ponds....”

RESPONSE: The Tentative Order appropriately describes the role of the rotary drum screen within the treatment system. However, equipment-specific design details, such as screen bar spacing, perforation size, or internal solids handling practices, are not required elements of WDRs Findings. These operational parameters do not affect the Order’s groundwater protection framework and are not used to determine compliance with the WDRs.

The finding was modified as shown:

Treatment Pond 002 is divided into two sections by a floating baffle to allow for settling of solids from pretreatment and clarification of the pretreated wastewater. A rotary drum screen separates solids from the pretreated wastewater just prior...

COMMENT 16: Revise the Tentative Order to prohibit, effectively immediately, all discharges of waste to Pond 1 and require removal and proper disposal of all sludge and sludge-contaminated soil to abate the threat these solid wastes pose to groundwater. Include a provision requiring a plan for this cleanup and abatement work that proposes a time schedule of no more than three years following order adoption.

RESPONSE: The Dischargers may use Holding Pond 001 or keep it offline at their discretion, provided all requirements in the WDRs are met. The water balance included in the RWD assumes the availability of all ponds, but the Dischargers may operate with fewer ponds as long as they demonstrate adequate capacity and maintain compliance. However, to ensure that Holding Pond 001 remains in full compliance regardless of whether it is operated or kept offline, a provision was added to require the Dischargers to verify that Holding Pond 001 complies with all applicable pond requirements.

COMMENT 17: Revise Finding 11 to disclose whether the reported depths reflect total depth or working depth. Explain the discrepancy in the capacities reported for Pond 1 and 2 and why reported capacities do not appear to correspond to reported depths and surface areas. As described earlier, the ponds’ reported 7-foot depths do not correspond to elevation data from USGS National Map Viewer, especially for Pond 1. Revise the Tentative Order to require by six months of order adoption a report documenting the sludge depth in Ponds 1, 2, 3, and 4/5.

RESPONSE: The Order includes a groundwater limitations evaluation and conditional compliance schedule which requires the Dischargers to evaluate all potential sources of groundwater impacts, which would include evaluating excessive solids loading in the ponds.

COMMENT 18: Revise Table 4 to include sodium and chloride.

RESPONSE: Table 4 was revised to include sodium and chloride.

COMMENT 19: Confirm where off-spec water is actually discharged, since the Tentative Order indicates use of the holding ponds while the 2022 order identifies the ESB. The

holding ponds function mainly as clarifiers and sludge digesters, contain significant sludge, and produce leachate that already affects groundwater, so additional wastewater discharges could threaten groundwater limitations and are not needed for flow equalization.

RESPONSE: The routing of off-spec treated municipal effluent described in the Tentative Order reflects information provided in the RWD and subsequent discussions with the City. As described in Finding 20 of the Tentative Order, treated domestic wastewater that does not meet Title 22 standards may be directed to the holding ponds as needed. A clarifying statement was added that this water is primarily directed to the ESB, which is included in the City's NPDES permit. Additional monitoring requirements for the ESB may be included in the NPDES MRP as part of the scheduled update in 2027.

The holding ponds are existing, authorized treatment and storage units and their use for temporary containment of treated wastewater does not conflict with the Order or constitute a violation of groundwater prohibitions.

Any additional clarification regarding actual pond routing, solids thickness, or operational practices will be obtained through required technical submittals under the provisions, which include evaluations of pond conditions, sludge accumulation, and long-term management. The WDRs will be updated in the future if the required provisions identify information warranting changes.

COMMENT 20: I strongly recommend the Tentative Order be revised to prohibit all discharges to Ponds 1, 2, 3, and 4/5 and require industrial wastewater following lagoon pretreatment to be discharged directly to the Facility for proper treatment and disposal. Following completion of this work, require the removal and proper disposal of all sludge and contaminated soil from the ponds to be completed on a timely basis (e.g., by five years following order adoption absent economic justification for more time). Recall, Leprino's annual revenue in 2025 was \$3.6 billion. It can afford to fund the work necessary to achieve compliance with this requirement. This will require the MRP to be revised to define new monitoring locations and requirements.

RESPONSE: The Tentative Order will not be revised to prohibit discharges to Treatment Pond 002 or Holding Ponds 001, 003, 004, or 005. These units are existing, authorized treatment and storage structures described in the RWD, and the Dischargers require operational flexibility for routing industrial flows.

The Tentative Order includes a groundwater conditional compliance schedule that requires the Dischargers to evaluate all potential sources of groundwater pollution. Please see responses to previous comments on financial capacity.

COMMENT 21: Clarify why the Tentative Order describes SDB operations differently than the 2022 order, particularly regarding supernatant handling, and revise it to match the documented management and disposal practices. The Order should also disclose liner construction details, confirm engineer-certified documentation, and require an additional

groundwater monitoring well along the SDB's northern boundary to evaluate liner performance and groundwater protection.

RESPONSE: The Tentative Order's description of sludge drying bed operation reflects the information provided in the RWD and in discussions with the City of Tracy and accurately describes the current system, which consists of asphalt-lined drying beds with liquid return to the plant's pump station. Differences in wording between the Tentative Order and the 2022 NPDES permit do not represent a conflict, however, the terminology was updated to consistently use "supernatant".

Construction-level details for the sludge drying bed (such as the date of lining, subbase materials, or documentation stamped by a California-registered civil engineer) were not provided in the RWD, and staff did not receive engineering-certified construction documentation confirming the asphalt/cement liner. While these details were not included in the RWD, the Tentative Order has been revised to require a full groundwater evaluation that includes identifying all sources of groundwater impacts and evaluating the adequacy of the groundwater monitoring network. The condition of these potential sources will be evaluated as part of that evaluation.

COMMENT 22: Revise Finding 29 to disclose the existence of drainage ditches surrounding the holding ponds and the finding of the 1995 report indicating that shallow groundwater influenced by the ponds' leachate discharge is in hydraulic continuity with Sugar Cut Slough. Revise the Tentative MRP to require twice annual monitoring of Sugar Cut Slough for relevant parameters and constituents of concern (discussed later).

RESPONSE: The Tentative Order already identifies Sugar Cut Slough as the nearest surface water feature. The offsite drainage ditches adjacent to the ponds are not part of the Facility and are not regulated under this Order. Their presence does not, by itself, establish a hydrologic connection attributable to the Facility's discharge. The Dischargers have indicated that regional hydrology, including the slough, may influence groundwater quality. As discussed with the Dischargers, it is the Dischargers' responsibility to substantiate the source of groundwater impacts if they believe they originate from offsite sources. The Tentative Order already requires a comprehensive groundwater evaluation through required technical submittals, which is the appropriate mechanism for determining whether impacts are facility-related.

Requiring surface water monitoring of Sugar Cut Slough or other offsite features is not necessary and considered premature at this time. If it is determined that off-site sources are impacting groundwater beneath the Facility, the MRP may be revised at that time based on the results of the groundwater evaluation. For these reasons, the Tentative Order and Tentative MRP will not be revised as requested.

The following statement was added to Finding 29:

There are several off-site drainage ditches surrounding the Facility that are not owned or controlled by the Dischargers. The extent to which these features influence shallow groundwater flow or water quality beneath the Facility is currently

unknown. Additional hydrogeologic evaluation is needed to determine whether these off-site drainage systems affect groundwater conditions attributed to the Facility.

COMMENT 23: Revise the Tentative Order to describe the flood protection measures implemented or planned to ensure compliance with Discharge Specification E.3, specifically in areas encompassing the lagoons, ponds, SDBs, and ESB.

RESPONSE: Additional flood information was added to the Order. Additional flood protection measures are not required at this time.

COMMENT 24: Finding 33 should include the missing screen interval for MW-1 and provide a more meaningful groundwater characterization by summarizing average, minimum, and maximum groundwater depths and elevations for each well since 2020, rather than relying on a single 2024 monitoring event.

RESPONSE: The screen interval for MW-1 was added to Table 5. Sufficient depths to groundwater and elevation data are provided in the Findings.

COMMENT 25: Revise Finding 34 to indicate that while regional groundwater flows primarily northwest towards the San Joaquin River Delta, groundwater underlying and affected by leachate discharges from the land discharge units flows towards Sugar Cut Slough. Also revise the 1st sentence to add **gradient** before presenting values for groundwater flow gradients, and correct the misspelling of the word, because, in the 3rd sentence.

RESPONSE: Finding 34 already reflects the groundwater flow information provided in the RWD and monitoring reports, which indicate that groundwater flow in the vicinity of the Facility is generally to the northwest. The commenter's suggested revisions rely on assumptions regarding subsurface flowpaths and supernatant influence that are not supported by the RWD or monitoring data.

The Tentative Order requires a comprehensive groundwater evaluation through Provision I.2, which is the appropriate mechanism for evaluating site-specific hydrogeologic conditions. Because the commenter's proposed revisions are not currently supported by the technical record and prematurely assign causation, no changes to Finding 34 are warranted.

COMMENT 26: Revise Requirement E.1 to require use of TDS when determining the annual flow-weighted average TDS concentration of the industrial wastewater discharge to the main treatment works. Although staff may suggest replacing TDS with FDS, lagoon pretreatment already removes most organics, so the difference between TDS and FDS is minimal, and TDS is the appropriate constituent for evaluating compliance with the Salinity Action Level.

RESPONSE: TDS is the constituent that will be used to determine compliance with the Salinity Action Level. The reference to EC in the Tentative Order was a typographical error and has been corrected. The compliance sampling point is EFF-002 (now correctly labeled as INF-002 based on clarifications from the

Dischargers), representing the industrial wastewater stream immediately prior to entering the main treatment plant.

COMMENT 27: Prohibit is a strong word to use when describing the Antidegradation Policy. Revise Finding 54, 1st sentence to read: "... (Antidegradation Policy), which is incorporated as part of the Basin Plan, ~~prohibits the Central Valley Water Board from authorizing degradation of "high quality waters"~~ **requires existing "high quality waters" be maintained until it has been demonstrated to the State that any change** will be consistent with the maximum benefit to the people of California...." This wording is from the tentative Large Domestic General Order, Finding 28.

RESPONSE: The text was modified as suggested.

COMMENT 28: Revise Finding 55 to (1) clarify the last sentence; (2) cite the Basin Plan's Controllable Factors Policy, as done in the current order (Finding 21); and indicate that more than "best efforts" may be required to ensure the discharge does not violate groundwater limitations.

RESPONSE: Text was updated as requested.

COMMENT 29: Revise Finding 56 to read: "...and total nitrogen (TKN, **ammonia as nitrogen** and nitrate as nitrogen)...."

RESPONSE: Finding 56 was revised as follows:

...includes salts (represented by EC, TDS, sodium, and chloride), TKN, nitrate as nitrogen, metals (iron, manganese, and arsenic), and total coliform.

Ammonia as nitrogen analysis was added to the MRP for wastewater and groundwater samples.

COMMENT 30: The waste discharged to the lagoons, ponds, and SDBs is not "effluent," and the Tentative Order sets no quality limits for these discharges. TCO should remain a parameter of concern, so revise Finding 56 to include TCO and add groundwater monitoring for TCO, ammonia-N, and TOC; also revise Finding 62 to show how many TCO results exceeded 2.2 MPN/100 mL in each well.

RESPONSE: Finding 56 was revised to include total coliform for consistency with the Antidegradation discussion, and the groundwater monitoring requirements will include total coliform. TOC (in groundwater) and ammonia as nitrogen (in wastewater and groundwater) analyses were added to the MRP.

COMMENT 31: As the flow to the lagoons and Pond 2 does not vary substantially from day-to-day or season-to-season, characterizing Pond 2 wastewater using average flow-weighted values seems overly complicated. Consider simply using average values from Table 4, as done for the values in the column, "Influent to Lagoons," and revise Table 7's fourth column header to refer to Pond 2 (or whatever staff decides to label this pond) and

Note 2 to read: “Averages from Table 4.” And, as mentioned previously, add rows for sodium and chloride in Table 4.

RESPONSE: The term “effluent” in Finding 56 was changed to “wastewater”. Flow-weighted averages are used consistently in WDRs to characterize wastewater quality. This approach provides a more accurate representation of the actual mass loadings and groundwater and is appropriate for this Facility. No revisions to the averaging methodology are warranted. Sodium and chloride have been added to Table 4.

COMMENT 32: Revise Finding 59 to not use “effluent” to refer to wastewater impounded in Pond 2 and discharged from Pond 3 to the main treatment works. Revise the last sentence to read:

“...and requires continued monitoring of salinity ~~constituent~~ **constituents in impounded wastewater** effluent and groundwater.”

RESPONSE: The text was revised as follows: ...constituents in ~~effluent~~ wastewater and groundwater.

COMMENT 33: Because organic nitrogen converts to ammonia and then nitrate, elevated ammonia would indicate limited nitrification. MW-4 shows high nitrate-N and TKN, but without ammonia-N data the nitrogen species cannot be distinguished, so groundwater monitoring should include both TKN and ammonia-N to properly evaluate nitrogen impacts.

RESPONSE: TOC and ammonia as nitrogen analyses were added to the MRP as suggested.

COMMENT 34: Revise Finding 61 to acknowledge that leachate from the sludge drying beds is contributing arsenic, iron, and manganese to groundwater above background and applicable WQOs, supporting the need to discontinue use of the ponds and SDBs in their current configuration. Additionally, Finding 62 should correct the description of the SDBs, supernatant, not leachate, is returned to the treatment works, and should refer to monitoring of industrial wastewater rather than effluent.

RESPONSE: The Tentative Order’s description of SDB operation reflects the information provided in the RWD and discussions with the City and accurately describes the current system: asphalt-lined drying beds with supernatant returned to the plant pump station. The terminology in the 2022 NPDES permit and the Tentative Order is consistent and both identify that SDB supernatant, not sludge, is returned to the treatment process. Minor differences in wording do not indicate a substantive discrepancy.

The commenter’s request to revise Finding 61 assumes a definitive causal relationship between the SDBs and elevated metals in downgradient groundwater. The current technical record does not isolate the SDBs as the source of those concentrations, nor does it distinguish their contribution from other land discharge units or regional groundwater conditions. Because of this uncertainty, the Tentative Order requires a comprehensive groundwater evaluation (and conditional

compliance schedule) as Provision I.2 to determine the relative contribution of all units and identify appropriate corrective actions based on site-specific data.

Construction details such as historical lining dates, subbase composition, or engineering certifications were not included in the RWD. However, the Order was modified to include a groundwater conditional compliance schedule that requires the Dischargers to evaluate all potential sources of groundwater impacts. This evaluation would include evaluating the condition of each site feature investigated.

Finding 61 was revised to use “supernatant” instead of “leachate” and to clarify references to influent, industrial wastewater, and groundwater monitoring.

COMMENT 35: Finding 62 should recognize the aerated, lined lagoons as a BPTC measure, but the lined sludge drying beds are not BPTC because downgradient groundwater still exceeds WQOs for nitrate and salts. Given ongoing degradation, true BPTC for sludge management would be mechanical dewatering or drying beds with containment meeting Title 27 standards.

RESPONSE: The commenter’s assertion that the lined sludge drying beds do not represent BPTC presumes a level of causation and technical certainty that is not supported by the current record. While groundwater beneath portions of the site contains elevated nitrate and salinity, the available information does not isolate the SDBs as the source, nor does it distinguish their potential contribution from that of other units, historic conditions, or regional background. This is precisely why the Order requires a comprehensive groundwater and facility evaluation, to determine the relative influence of each unit. Results of the evaluation will be used to determine what changes to the Facility are required. For these reasons, the finding will not be revised as requested.

COMMENT 36: The facility’s land discharge units lack adequate containment and have caused unreasonable groundwater degradation for nitrate and metals, even though such impacts could be avoided through BPTC used by other municipal facilities. The ponds function mainly as clarifiers and sludge digesters rather than flow-equalization units, and their continued use results in groundwater exceeding WQOs, contrary to the Antidegradation Policy and inconsistent with the conclusions in Finding 66.

RESPONSE: Although elevated nitrate and metal concentrations have been detected in downgradient groundwater monitoring wells, additional characterization and evaluations must be conducted first to identify each source of groundwater impact. Using that information, additional actions to protect groundwater will likely be required. A groundwater conditional compliance schedule has been added to the Order to ensure these evaluations and mitigation approaches are conducted in a timely manner.

COMMENT 37: A Title 27 exemption requires full BPTC and no WQO exceedances, but the facility’s ongoing use of unlined ponds and SDBs, sludge bypass, infrequent sludge removal, and leachate impacts demonstrates inadequate containment and existing groundwater degradation. The current order already found the units do not qualify for a

Title 27 exemption, yet the Tentative Order does not address this issue or include the required

RESPONSE: A Title 27 exemption finding was added to the WDRs.

COMMENT 38: B.2 – carry over the current order’s inclusion of designated waste and revise to read: “Discharge of waste classified as “hazardous,” as defined in Title 22, section 5521.1 et seq., or “**designated,” as defined in Water Code section 13173**, is prohibited.”

RESPONSE: The requested change was made.

COMMENT 39: B.4 - does not apply to the ESB and biosolids storage areas because the Tentative Order does not identify them as authorized land discharge units.

RESPONSE: Staff disagree. No changes were made.

COMMENT 40: E.1 – again, does not apply to the ESB and biosolids storage areas because the Tentative Order does not identify them as authorized land discharge units.

RESPONSE: Staff disagree. No changes were made.

COMMENT 41: E.4 – only applies to Pond 1 through Pond 4/5 and should apply to lagoons and the ESB.

RESPONSE: The Lagoons were added to the requirement; however, the ESB is included in the separate NPDES permit and thus not added to this requirement. However, additional monitoring requirements for the ESB may be included in the NPDES MRP as part of the scheduled update in 2027.

COMMENT 42: E.5 - only applies to ponds, implying that the lagoons are exempt from this specification. Suggest “surface impoundments” as this term applies to the ponds and lagoons.

RESPONSE: Discharge Specification F.5 is intended to ensure that any future ponds constructed or modified under this Order are properly designed and maintained. The suggestion to use “surface impoundments” is not appropriate here, as that term implies Title 27 regulation, which is not the intent. F.5 is correctly written to apply to the ponds regulated under this Order, so no revision is necessary.

COMMENT 43: E.10 – specifies a pond sludge monitoring interval of five years whereas the Tentative MRP specifies three years. It requires sludge removal be performed “as necessary to maintain adequate storage capacity.” The storage capacity used in the water balance calculations cited in Finding 27 presumably assumed a pond depth of 7 feet when, because of sludge accumulation, is likely much less than 7 feet. The Tentative Order does

not disclose a value for adequate storage capacity. As such, it will be difficult for compliance staff to assess compliance with this specification.

RESPONSE: The existing freeboard requirement already serves as the practical measure for ensuring adequate storage capacity. Freeboard incorporates both water depth and accumulated solids thickness, so if solids significantly reduce capacity, it will be reflected in reduced available freeboard. Water Board staff can assess storage capacity through the freeboard requirement without needing a separate defined capacity value. Sludge monitoring was changed to every three years in the Tentative Order.

COMMENT 44: E.11 - “Storage of solids on areas not equipped with means to prevent storm water infiltration, or a paved leachate collection system is prohibited.” This appears to apply only to biosolids storage areas. The Tentative Order does not disclose the location(s) used for biosolids storage, let alone describe storm water runoff control measures implemented to comply with this specification. The 2022 order indicates biosolids are not stored onsite but promptly removed for proper disposal.

RESPONSE: Although biosolids are normally dewatered and removed from the site, it is still appropriate to retain this specification. Occasionally, operational or weather-related conditions could require short-term onsite storage. Keeping the requirement in place ensures that, if temporary storage does occur, it is managed in a way that prevents stormwater infiltration and protects groundwater. No revision is needed.

COMMENT 45: Section G, Biosolids Storage Specifications, appears before Section I, Solids Disposal Specifications. As mentioned previously, most municipal WDR orders contain one section to contain specifications for sludge, solids, and biosolids management. In its current form, Section I does not appear to apply to the SDBs. I highly recommend the Tentative Order be revised to combine specifications for sludge, solids, and biosolids management as done in the Tentative Large Domestic General Order.

RESPONSE: Sections G and I have been combined into a single section (Section H: Solids and Biosolids Storage and Disposal Specifications) to improve clarity and consolidate all solids-related requirements in one location, consistent with the commenter’s suggestion. The section was also updated to better align with the Large Domestic General Order.

COMMENT 46 Groundwater Limitation H.3 cites the Basin Plan’s numerical WQO for TCO in groundwater. The Tentative MRP does not, but should, require groundwater monitoring for TCO to assess compliance with this limitation.

RESPONSE: Agreed. Analysis for total coliform was added the MRP.

COMMENT 47: I.1 – is an introductory paragraph, not a specification per se. Revise to match the Tentative Large Domestic General Order. And, by focusing only on solids disposal, the Tentative Order does not include specifications regarding sludge treatment in SDBs. As mentioned previously, better to replace Sections G. and I. with the Tentative

Large Domestic General Order's specifications for sludge, solids, and biosolids management.

RESPONSE: Agreed. See response to Comment 45.

COMMENT 48: J.2.a – Requires identification of “feasible operational, management, and structural measures that will minimize further groundwater” only for Pond 1 through Pond 4/5, and not the SDBs. As mentioned previously, revise to include consideration of SDBs, as their asphalt pavement liner appears inadequate to preclude nitrate WQO exceedances in downgradient groundwater. Also, in general, this provision essentially kicks the can down the road, so to speak, and ignores the elephant in the room – namely, the unlined ponds need to be decommissioned, and the SDBs either equipped with a liner meeting Title 27 prescriptive standards or decommissioned and replaced by mechanical dewatering. The decommissioning work must include timely removal and proper disposal of accumulated pond sludge and contaminated soil.

RESPONSE: A groundwater limitations evaluation and conditional compliance schedule was added to the Order and it includes evaluating the sludge drying beds.

However, the commenter's request to require immediate decommissioning of all ponds or reconstruction of the SDBs to Title 27 prescriptive standards is not supported by the current technical record and is beyond the scope of this Order at this time. The purpose of provisions are to develop the technical basis needed to identify feasible operational, management, or structural measures, if any, that may be warranted based on the results of the required evaluations.

The revisions made to the provision will provide the information necessary for the Central Valley Water Board to determine whether additional actions are appropriate once the technical analyses are complete. For these reasons, the Order has been updated to address the role of the SDBs in groundwater evaluation, but not to mandate the predetermined outcomes requested by the commenter.

COMMENT 49: J.2.b – Requires a Lagoon Integrity Evaluation that, while well intentioned, again kicks the can down the road. The age of the lagoons' liners has reached or exceeded their service life. This alone is sufficient justification for requiring their timely replacement. Recall that Leprino's annual revenues exceed \$3.5 billion. It can afford to install new liners.

RESPONSE: The Order was revised to include a groundwater limitations evaluation and conditional compliance schedule that requires the Dischargers to evaluate all site features with the potential to impact groundwater, including the lagoon liners.

COMMENT 50: J.6 – Concerns hydraulic and treatment capacities of a discharger's treatment, collection, and disposal facilities. The City's discharge to unlined ponds of supernatant from the anaerobic digester and SDBs represents treatment bypass and does not reflect the sludge treatment processes documented in the 2022 order. This suggests the Facility's sludge treatment processes does not have adequate capacity at current discharge flows. The Tentative Order needs to address this deficient treatment and control

practice by prohibiting, effective immediately, all discharges of Facility sludge and supernatant to Pond 1 through Pond 4/5.

RESPONSE: Water Board staff disagree. No changes were made.

COMMENT 51: J.11 – Concerns the off-site reuse of effluent and does not apply to the land discharge units regulated by the Tentative Order.

RESPONSE: This allows the Dischargers flexibility in managing their waste, but with the requirement that they must notify the Central Valley Water Board of any changes from their current operations.

COMMENT 52: The Tentative Order does not include a provision requiring implementation of BPTC. Revise to include the following provision: **The Dischargers shall use the best practicable treatment and control technique(s), including proper operation and maintenance, to comply with this Order.** Note, I purposely omitted the phrase “cost-effective” that appears in many WDR orders of late. Specifying “cost-effective” implies that a discharger could be determined to be in violation if it elected to implement a BPTC measure that is more expensive than other BPTC measures. Also, the Antidegradation Policy makes no mention of cost effectiveness in its requirement for BPTC to protect high quality water.

RESPONSE: Text was updated as suggested.

COMMENT 53: The Tentative Order does not include Reporting and Notification Provisions specifying the electronic submittal of all reports and laboratory analytical reports to the State Water Board Geotracker website. Revise Tentative Order to include these provisions (see Tentative Large Domestic General Order IV.B.1 and 2). While the Tentative MRP includes this requirement, it is necessary for the Tentative Order to also require the Dischargers to submit required technical reports to Geotracker.

RESPONSE: A statement was added to the WDRs that documents are required to be submitted as described in MRP Order R5-2026-XXXX.

COMMENT 54: The Tentative Order’s Information Sheet discusses the possibility of reopening the Order, but the Tentative Order does not, but should, include the boilerplate Reopener Provision (see Tentative Large Domestic General Order VIII).

RESPONSE: Reopener language is already included in the Information Sheet (second to last paragraph), which is part of the Order. No changes were made.

COMMENT 55: Attachment A and B should include a north arrow (currently only presenting a compass), identify individual lagoons, correctly show Pond 4/5 as one pond, clearly delineate the ESB, and identify any biosolids storage areas. The mapping also inconsistently shows Pond 1 as “not in use” despite references to ongoing supernatant discharges.

RESPONSE: Although a compass serves the same function as a north arrow and is a standard mapping convention, a north arrow was added to the figures.

Attachment B was updated to label the individual lagoons, and the ESB was delineated for clarity. Attachment C was modified to show decant water and overflow from the anaerobic digestion discharged to Holding Pond 5 (which is the current operating practice). It should be noted that the Order allows flexibility in the location of this discharge based on operational needs.

Holding Ponds 004 and 005 remain shown as separate ponds because this is how the Discharger identifies and operates them for monitoring and reporting purposes. There is no biosolids storage area (outside of the sludge drying beds) at the Facility.

As stated throughout the WDRs, Holding Pond 001 is not currently in use. However, a provision was added to the Order to require the City to bring Holding Pond 001 into compliance.

COMMENT 56: Attachment C should update the header to the current WDR number, correctly label the sludge train (sludge only, not biosolids), show anaerobic, not aerobic, digestion, and accurately depict supernatant and SDB decant flows, including the bypasses to Pond 1 that are not shown in the schematic.

RESPONSE: All suggested changes were made to the Attachments with the exception of showing decant water to Holding Pond 001. Finding 26 was modified as follows to allow flexibility to the Dischargers to reassign pond sequence:

Decant water and overflow from the anaerobic digestion can be directed to ~~Holding Pond 004~~ the holding ponds as needed.

COMMENT 57: Attachment C also shows off-spec effluent from the main treatment system discharging to Holding Pond 004. The 2022 order indicates off-spec effluent is discharged to the ESB. Attachment C also shows Holding Pond 003 discharging to Holding Pond 001, which is inconsistent with the note in Attachment B stating this pond is no longer used. It labels Treatment Pond 002 as unlined but does not also label as unlined the remaining ponds.

RESPONSE: In discussions with the Discharger, staff confirmed that off-spec effluent may be directed either to the ESB or to the holding ponds, depending on operational conditions. The following sentence was added to the finding for clarity:

Under normal operations, most treated effluent that does not meet Title 22 standards is routed to the ESB, which is included in the City's NPDES permit.

Attachment C was revised to correctly depict the current flow sequence among the ponds but due to space limitations, "unlined" was not added to the attachment.

COMMENT 58: Sample location numbering error.

RESPONSE: The sample numbers were updated based on further discussions with the Dischargers.

COMMENT 59: Attachment D (Constituent Concentrations in Groundwater Map) does not locate MW-1.

RESPONSE: MW-1 was added to the attachment. The concentrations in the tables and attachment were corrected and updated.

COMMENT 60: Attachment D requires substantial review and revision to present accurate values and units for constituent concentrations in identified wells. The values and units should match those in Table 6 once it is revised to use the correct units for reported values. Lastly, correct the spelling of San Joaquin County in the attachment legend.

RESPONSE: The data presented in the attachment was revised to be consistent with the data presented in Table 6 (Groundwater Quality) and the units and spelling were corrected.

COMMENT 61: INFORMATION SHEET COMMENTS

RESPONSE: The Information Sheet was revised as proposed with the following exceptions:

- Referring to Holding Ponds 004 and 005 as one pond. Holding Ponds 004 and 005 remain referenced and shown as separate ponds because this is how the Discharger identifies and operates them for monitoring and reporting purposes.
- The phrase “or natural background groundwater quality, whichever is greater” was not added to the Information Sheet, which is consistent with other WDRs.
- The Salt and Nitrate Control Program discussion is correct and sufficient as presented.

COMMENT 62: MONITORING AND REPORTING REQUIREMENTS COMMENTS

RESPONSE: The Monitoring and Reporting Program was revised as proposed with the exceptions of:

- All monitoring and sample locations and pond nomenclature were discussed with the Discharger and changes and updates were made based on these discussions.
- Under Groundwater Monitoring Section K, there is already a requirement to add all new monitoring wells into this Monitoring and Reporting Program.

COMMENT 63: Section II.A covers flow and water quality at three points (LGN-002, INF-002, and INF-003), so the header should identify all three monitoring locations. Replace “sample” with “monitoring” locations, correct the fourth column header in Table 3, and add quarterly TDS, TSS, and standard minerals monitoring to support accurate flow-weighted TDS calculations and better evaluate treatment performance and salinity impacts.

RESPONSE: TDS was added to Table 3.

The following edits were made to the MRP:

A. INFLUENT WASTEWATER MONITORING (~~LGN-002~~)

Table 3 heading to ~~Influent~~ Wastewater Sampling

Sample location identifiers were updated based on the discussions with the City.

Quarterly TSS monitoring and increased standard minerals monitoring frequency were not added, as the existing monitoring frequencies are appropriate for this Facility and provide sufficient data to evaluate compliance. The monitoring requirements in MRP R5-2024-0007 for a different project are not directly applicable here.

COMMENT 64: Standard Minerals.

RESPONSE: The Standard Mineral list was revised as follows and is consistent with other recent WDRs:

Analysis shall include; arsenic, alkalinity (as CaCO₃) bicarbonate (as CaCO₃), boron, calcium, carbonate (as CaCO₃), chloride, iron, manganese, magnesium, phosphate, potassium, sodium, sulfate, and verification that the analysis is complete (i.e., cation/anion balance).

COMMENT 65: Pond Monitoring. Specify the time of dissolved oxygen (DO): Samples for DO shall be collected between 8:00 am and 10:00 a.m. when there is more than one foot of water in the pond. Also consider revising the units of pond sludge depth to feet (not inches) and indicate Reporting Frequency of Once every 3 years (not Annually). Consider adding monthly EC monitoring to monitor the concentrating effects of evaporation in the holding ponds.

RESPONSE: A specific sampling time for dissolved oxygen is not required in this MRP. Time of day DO requirements are included only where necessary to evaluate treatment performance or odor-related concerns (there have been no reported odor complaints). The existing DO monitoring requirement is adequate and consistent with standard WDRs MRP practice; therefore, no revision is necessary. The current units and reporting frequency for solids thickness monitoring are also appropriate.

COMMENT 66: Sugar Cut Slough Monitoring.

RESPONSE: Requiring Sugar Cut Slough monitoring at this time would be premature. The purpose of the groundwater evaluation is to allow the Discharger to identify all sources contributing to groundwater impacts. Off-site surface water monitoring is not warranted unless and until there is demonstrated evidence that water quality in Sugar Cut Slough is being affected directly by Facility discharges. Because this Order already requires the Discharger to conduct the studies and monitoring necessary to evaluate potential pathways and impacts, no additional surface water monitoring location is needed at this time.

COMMENT 67: Biosolids Monitoring.

RESPONSE: The Tentative MRP does not require biosolids monitoring for Title 22 metals or 40 CFR Part 503 parameters because this Facility is not authorized for biosolids land application, reuse, or onsite disposal under this Order. All dewatered biosolids are removed from the site and managed under the regulatory requirements applicable to the receiving landfill or off-site treatment/disposal facility. When biosolids are hauled offsite for landfill disposal or managed by another permitted entity, monitoring requirements under Part 503 do not apply to the generating facility unless it is the entity performing land application or reuse.

The MRP appropriately includes monitoring related to onsite sludge handling and drying operations, which are the only sludge-related activities regulated by this WDR. Because the Facility does not land apply biosolids or manage them under Part 503, and because off-site biosolids disposal is regulated separately by the receiving facilities, no revisions to add biosolids sampling or additional biosolids monitoring locations are necessary.

COMMENT 68: Groundwater Monitoring

RESPONSE: The WDRs already include a finding (Finding 34) that explains this issue and documents that the Discharger previously demonstrated that MW-1 no longer provides the most representative upgradient (background) groundwater quality. Because MW-5 has been established, through the 2010 characterization study, as the more appropriate background well, the Tentative WDRs continue to rely on MW-5 for upgradient characterization and include MW-1 only for depth-to-groundwater/elevation measurements.

COMMENT 69: Quarterly Monitoring Reports, Item 3.

RESPONSE: EC was corrected to TDS.

COMMENT 70: Annual Monitoring Report, Items 5, 6, 7d, and 8b.

RESPONSE: All proposed changes were made.