

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF JANUARY 31-FEBRUARY 1, 2013

(Prepared on December 14, 2012)

ITEM NUMBER: 13

SUBJECT: Rescission of Waste Discharge Requirements for El Modeno Gardens, Inc., San Benito County (Order No. 93-73)

STAFF CONTACT: Cecile DeMartini, 805/542-4782

KEY INFORMATION

Discharger: El Modeno Gardens, Inc.
Location: 1298 Orchard Road, Hollister, San Benito County
Discharge Type: Nursery Irrigation Runoff and Stormwater Runoff
Design: Series of ditches that drain into Pacheco Creek
Disposal: Variable, not to exceed 62,000 gallons per day.
Capacity: None
Recycling: Some recirculation of runoff irrigation water.
Existing Orders: WDR Order No. 93-73
This Action: Rescind Waste Discharge Requirements

SUMMARY / DISCUSSION

The Central Coast Water Board adopted Waste Discharge Requirements Order No. 93-73 to regulate plant nursery irrigation runoff water discharged into Pacheco Creek from El Modeno Gardens, Inc. (Discharger). The Discharger went out of business and sold its assets to Color Spot in October 2009, which subsequently removed all assets from the San Benito property. The Discharger's facility is now vacant and the property is for sale.

COMPLIANCE HISTORY

Water Board staff issued a Notice of Violation on October 31, 2008, to the Discharger for reported increases in down-gradient groundwater nitrate concentrations and for violations observed during a site inspection conducted on May 25, 2007. Staff required a groundwater monitoring and protection plan and a Report of Waste Discharge (ROWD) be submitted by December 31, 2008. The Discharger responded in January 2009, stating the increases in down-gradient nitrate concentrations were inconclusive due to lack of sufficient data but would consider lining their run-off holding areas to mitigate the potential impact. The Discharger's ROWD was received by the Water Board on May 1, 2009. The company was sold in October 2009.

POTENTIAL PROBLEMS

Water Board staff believes future similar operations at the facility cannot be adequately regulated by the existing Order and that the Order should be rescinded

ENVIRONMENTAL SUMMARY

Waste discharge requirements for existing facilities are exempt from provisions of the California Environmental Quality Act (Public Resource Code, Section 21100 et seq.) in accordance with Section 15301, Chapter 3, Title 14 of the California Administrative Code.

COMMENTS AND RESPONSES

Water Board staff contacted the Discharger via US Mail, telephone, and email. Water Board staff received a telephone call from Jo-Ann Newton, the Vice President of El Modeno Gardens, on February 28, 2012. She requested that the existing Order 93-73 not be terminated until the property was sold.

A new property owner will be required to submit a Report of Waste Discharge before new operations. Water Board staff believes future operations at the facility cannot be adequately regulated by the existing Order and that the Order should be rescinded

RECOMMENDATION

Rescind Waste Discharge Requirements Order No. 93-73.

ATTACHMENTS – None

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