

STAFF REPORT

ORDER NO. R5-2007-_____
SK FOODS, CEQA INITIAL STUDY AND NEGATIVE DECLARATION
LEMOORE TOMATO PROCESSING FACILITY
KINGS COUNTY

Background

SK Foods (hereafter Discharger) operates a tomato processing facility south/southwest of Lemoore in Kings County. The Discharger is proposing to discharge wastewater to a 2,600 acre Use Area southwest of the current Use Area. Wastewater from the processing of tomatoes is currently discharged to an 863-acre Use Area and regulated by Waste Discharge Requirements (WDRs) Order No. 98-167, a 2000 Waiver, and Monitoring and Reporting Program No. 5-00-826. WDRs Order No. 98-167 was written when the Discharger disposed of the wastewater by discharge to the Westlake Canal for reclamation.

Inspections in 1998 and 1999 observed several violations of the WDRs, including dissolved oxygen concentrations less than 1.0 milligrams per liter (mg/L) in effluent, BOD greater than 400 mg/L in effluent, discharging untreated or partially treated wastewater, causing BOD in a receiving water to fall below 5.0 mg/L, and failure to submit self monitoring reports.

The Discharger submitted a report of waste discharge (RWD) dated 24 April 2000, requesting new WDRs and proposing to discharge its wastewater to land at a 282 -acre site. The Regional Water Board issued a Temporary Conditional Waiver of Waste Discharge Requirements dated 3 July 2000 and Monitoring and Reporting Program No. 5-00-826 to provide regulatory oversight for the discharge of wastewater to land. An inspection in September 2000 revealed violations of the waiver similar to previous violations of the WDRs. SK Foods was observed to be exceeding the BOD limit of 400 mg/L, failing to maintain the DO above 1.0 mg/L in ponds, failing to notify the Regional Water Board of noncompliance, and causing the DO of receiving water to drop below 5.0 mg/L. A Notice of Violation for these issues was sent to the Discharger on 26 February 2001.

In June 2001, the Discharger submitted a RWD proposing discharge to the currently used 863-acre Use Area. A site inspection on 8 August 2002 noted that no violations were observed. A review of historical data indicates the Discharger has not exceeded an effluent limit since September 2002.

Proposed Discharge

The Discharger submitted an October 2006 RWD to support its proposal to discharge wastewater to approximately 2,600 acres in Kings County. The purpose of the Initial Study was to describe the proposed project, discuss any potential concerns, and identify steps to be taken as part of the project to ensure a significant impact is not created.

The 2,600 acre Use Area includes Sections 2, 3 10, and 11, Township 20S, Range 19E, Mount Diablo Baseline and Meridian. It is bounded to the west by Avenal Cutoff Road, to the North by Kent Avenue, to the east by Empire Westside Main Canal, and to the south by Laurel Avenue.

The Discharger proposes to increase the flow of wastewater from 2.5 million gallons per day to 4.5 mgd in its 'Fresh Pack' season which is from July through October. Land application during the remainder of the year (November through June) is about 0.5 mgd. The quality of the Fresh Pack effluent is reported as follows:

Constituent ¹	Units ²	Concentration		
		Average	Minimum	Maximum
EC	umhos/cm	1,142	850	1,500
TDS	mg/L	1,547	200	3,200
Total Nitrogen	mg/L	63	5	180
BOD ₅	mg/L	1,315	25	3,000
Chloride	mg/L	73	47	100
Sodium	mg/L	128	120	140

1. Electrical Conductivity (EC), Total Dissolved Solids (TDS), Biochemical Oxygen Demand (BOD₅).

2. Micromhos per centimeter (umhos/cm), Milligrams per liter (mg/L).

Treatment Technology and Control

The Discharger provides treatment and control of the discharge that incorporates:

- a. Screening of wastewater with a 0.02 inch rotary screen to reduce solids;
- b. Blending of the wastewater with irrigation water before application;
- c. Applying recycled water at plant uptake rates (for nitrogen and water); and
- d. Inspecting fields during irrigation at least daily. Should standing water be observed, the frequency of the rotation of the irrigation checks can be increased which in turn will minimize soil saturation.

Groundwater Conditions

Eleven monitoring wells were installed around the proposed 2,600 acre Use Area in January 2007. The first encountered shallow groundwater flows to the east/southeast with an average hydraulic gradient of about 0.0019 ft/ft. The depth to water ranges from about 5 to 20 feet below the ground surface. Shallow groundwater quality is poor. EC concentrations in March 2007 samples ranged from 7,200 to 44,000 umhos/cm, sulfate concentrations ranged from 3,600 to 38,000, and nitrate as nitrogen concentrations ranged from 0.25 to 110 mg/L. The average TDS of the effluent (1,547 mg/L) is well below the average TDS of shallow groundwater (about 18,750 mg/L). Therefore, the effluent will not degrade shallow groundwater quality.

CEQA and Waste Discharge Requirements

The Discharger submitted a draft Initial Study on 16 October 2007, along with its RWD. As Lead Agency for CEQA, Regional Water Board staff reviewed, edited, and circulated the Initial Study and a draft Negative Declaration in May 2007. Comment letters were received from the Department of Health Services (DHS), the Department of Water Resources (DWR), the

Department of Transportation (Caltrans), and a nearby resident. DHS provided only editorial comments and did not contest the proposed project.

DWR provided comments regarding the potential for the project to encroach upon the State Adopted Plan of Flood Control. Review of Kings River Floodway Maps illustrate that the proposed project is not within the encroachment zones. Therefore, an encroachment permit from DWR is not required.

Caltrans provided comments regarding the possibility of increased traffic and the need for an encroachment permit should the project involve work within the right-of-way for State Highway 41. Because the proposed project does not involve an increase in processing or production, it will not generate increased traffic. Since the first phase of the project will utilize an existing lateral that crosses Highway 41 near Jackson Avenue, an encroachment permit from Caltrans is not required. An encroachment permit will be required for any future phases that involve work within the State right-of-way.

A resident of the area provided comments regarding potentially objectionable odors, the topography of the property and the clayey nature of the soil limiting infiltration, and the project displacing people and/or housing. As described above, and in more detail in the Initial Study, SK Foods proposes several measures to prevent odors as part of its project description. The Initial Study also recognizes that some grading of the project site will be necessary to prepare it for the application of wastewater. From review of aerial photographs, the proposed project will not displace any existing housing.

The proposed Resolution is for the Regional Water Board to consider approval of the Initial Study and adoption of the Negative Declaration. Upon completion of the CEQA process, Regional Water Board staff will draft tentative waste discharge requirements for consideration by the Regional Water Board that revise the existing WDRs and incorporate the various measures described in the Initial Study as part of the project. The proposed WDRs will contain discharge prohibitions, effluent and recycling water limitations, and will be developed to protect the beneficial uses of receiving water and prevent conditions of nuisance.

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