



Linda S. Adams
Acting Secretary for
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California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

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<http://www.waterboards.ca.gov/centralvalley>



Edmund G. Brown Jr.
Governor

NOTICE OF PUBLIC HEARING

concerning

A RESOLUTION AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AN
AGREEMENT FOR MUTUAL RELEASE AND COVENANT NOT TO SUE WITH
SVA GROUP, LLC and SIERRA VALLEY ALMONDS, LLC
FOR
TWO PARCELS CONTAINING CONCRETE WAREHOUSES
AT THE FORMER OBERTI OLIVE PROCESSING FACILITY, 12806 ROAD 26
MADERA COUNTY, CALIFORNIA

The former Oberti Olive Company olive processing facility (the Site) consists of four parcels which total approximately 78.5 acres at 12806 Road 26 in Madera County. Historical olive processing operations and the groundwater impacts from olive brine wastewater discharges were regulated by various orders issued by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) from the 1960's until 2009, when all the Central Valley Water Board-issued orders were rescinded. In 2006, a developer purchased the majority of the Site and removed all olive processing facilities.

SVA Group, LLC as the prospective purchaser and Sierra Valley Almonds, LLC as the prospective user of two of the four parcels, are seeking assurances from the Central Valley Water Board that they will not incur liability for the cleanup of the Site by virtue of the purchase and use of the parcels. Each parcel contains a large concrete warehouse that would be utilized by Sierra Valley Almonds, LLC to process and distribute almonds which poses no known threat to water quality. SVA Group, LLC and Sierra Valley Almonds, LLC propose to carry out certain limited remedial activities at the two parcels in exchange for the mutual release and covenant not to sue for the investigation and cleanup of contamination and/or pollution at or originating from the Site, such activities being carried out by SVA Group, LLC and Sierra Valley Almonds, LLC at the direction and under the supervision of Central Valley Water Board staff. The acquisition of the parcels and subsequent operation by SVA Group, LLC and Sierra Valley Almonds, LLC would benefit the surrounding community.

A public hearing concerning this matter will be conducted during the Central Valley Water Board meeting scheduled for:

DATE: 3/4/5 August 2011
TIME: 8:30 a.m.
PLACE: Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

California Environmental Protection Agency



The designated parties for this hearing are SVA Group, LLC and Sierra Valley Almonds, LLC. The designated parties, but not interested persons, will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eyewitness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board **no later than noon on 8 July 2011**. The request must explain the basis for status as a designated party.

Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board **no later than noon on 8 July 2011**. Written materials submitted **after noon on 8 July 2011** will not be accepted and will not be incorporated into the administrative record absent a ruling by the Central Valley Water Board Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Central Valley Water Board Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Central Valley Water Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Central Valley Water Board members, counsel staff or others, at the discretion of the Central Valley Water Board.

Anyone having questions about the proposed Resolution and related documents should contact Douglas Wachtell at (559) 445-5114 or by email at dwachtell@waterboards.ca.gov. Interested parties may download the proposed Resolution and related documents from the Central Valley Water Board's Internet website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders. Copies of these documents can also be obtained by contacting or visiting the office of the Central Valley Water Board at 1685 E Street, Fresno, California, 93706, weekdays between 8:00 a.m. and 5:00 p.m.

The final meeting agenda will be available at least 10 days before the meeting at http://www.waterboards.ca.gov/board_info/agendas/. The agenda will provide the dates the Central Valley Water Board meeting will be held, indicate the anticipated order of agenda items, and may include staff revisions.

The procedures governing Central Valley Water Board meetings may be found at California Code of Regulations, title 23, section 647 et seq., and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/laws_regulations/. Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original signed by:

CLAY RODGERS, Assistant Executive Officer

7 June 2011