

**Regional Water Quality Control Board
Central Valley Region Board Meeting
22/23 April 2021**

**Response to Written Comments for the
Grimmway Enterprises, Inc. and Minter Field Airport District
Shafter Carrot Packing Plant
Kern County
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 22/23 April 2021, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of waste discharge requirements for Grimmway Enterprises, Inc. (Grimmway) and Minter Field Airport District (collectively referred to as Discharger), for the Shafter Carrot Packing Plant (Facility) in Kern County. This document contains responses to written comments received from the Grimmway Enterprises, Inc. (Grimmway) and an interested person regarding the tentative waste discharge requirements (WDRs) circulated on 22 January 2021. Written comments were required by public notice to be received by the Central Valley Water Board by 22 February 2021 to receive full consideration. Comments were received from both Robert Wegis, the Regulatory Compliance Manager for Grimmway, and Jo Anne Kipps, a private citizen, on 22 February 2021.

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff has made changes to the tentative WDRs in response to the comments.

COMMENTS

Grimmway – COMMENT #1: The tentative Monitoring and Reporting Program (MRP) includes monitoring for select constituents and flow for Monitoring Location INF-001 (Settling Pond Influent Monitoring). The tentative MRP defines Monitoring Location INF-001 as a *[l]ocation where a representative sample of the wastewater can be obtained prior to the discharged to the unlined settling ponds at the Carrot Packing Plant*. Grimmway requests that all monitoring requirements be removed from Monitoring Location INF-001. Grimmway comments that flow into the settling ponds is reused within the facility's water flow system before discharge to the Minter Field Land Application Area (LAA) and that influent monitoring will not provide any data that is needed to calculate constituent loads to the LAA.

RESPONSE: This monitoring requirement was partially carried over (with some changes) from MRP R5-2015-0057 (Monitoring Location EFF-001). Grimmway Enterprises never implemented the monitoring required by MRP R5-2015-0057 and instead continued reporting as required by rescinded MRP 5-01-140; therefore, no influent data is currently available. Staff concurs that data collected at Monitoring Location INF-001 should not be used for the LAA loading calculations but is needed to characterize/monitor the Facility's discharge quality to unlined ponds at the Shafter Carrot Packing Plant. Staff proposes to keep the monitoring requirements in the tentative MRP for Monitoring Location INF-001, except for flow. As noted on page three of the tentative MRP, the Discharger can request a reduction in monitoring frequency for a constituent/parameter after at least 12 months of monitoring if the monitoring consistently shows no significant variation in a constituent concentration or parameter.

Grimmway – COMMENT #2: The tentative MRP includes supplemental irrigation water monitoring requirements (Monitoring Location SUP-001) if supplemental irrigation water is supplied to the LAA. Grimmway requests to use the most recently published water quality data for the supplemental irrigation source instead of conducting the water quality sampling required by the MRP. The request states that the only potential source of supplemental irrigation water to the LAA is from the Friant-Kern Canal and that supplemental irrigation water is not anticipated to be utilized at the LAA.

RESPONSE: During a 1 March 2021 conversation with Mike Sowers with Cascade Earth Science (consultant for Grimmway), Mr. Sowers stated that the use of supplemental irrigation water is not anticipated but could be used to keep crops alive if the Facility was temporarily shut down and the wastewater flow to the LAA ceased. Mr. Sowers stated that he thinks Friant-Kern Canal water is sampled once per year for water quality but did not know where the sampling took place. Therefore, it is unclear how representative the sample would be of the supplemental irrigation water used on the LAA. Since the MRP only requires sampling “when in use” and supplemental irrigation water is to be infrequent (if at all), the supplemental irrigation monitoring requirement is not onerous and is necessary to conduct the required LAA loading calculations. Therefore, staff proposes no changes to the supplemental irrigation water monitoring requirements in the tentative MRP.

JO ANNE KIPPS – COMMENT #1: Findings 1 and 2 of the tentative WDRs identify the Facility’s location in terms of legal description and APN, but not the street address.

RESPONSE: Finding 1 has been revised to include the street address of the Facility and LAA.

JO ANNE KIPPS – COMMENT #2: Finding 22 of the tentative WDRs should be revised to include a characterization of the Facility’s discharge to the initial pond. Ms. Kipps further states:

Should this characterization reveal that impounded waste threatens to violate Discharge Specification D.1 (No waste constituent shall be released, discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of the Groundwater Limitations of this Order) and Discharge Specification D.2 (Wastewater treatment, storage, and disposal shall not cause pollution or a nuisance as defined by Water Code section 13050), then the tentative Order should be revised to require the Discharger to equip all Facility ponds with a liner (similar to the recently adopted Statewide Winery General Order) or provide technical justification why this is not necessary.

RESPONSE: Staff is unable to characterize influent to the unlined ponds at this time since Grimmway did not conduct the required sampling in the previous WDRs (see response to Grimmway Comment #1 above). To correct this issue, monitoring of the influent to the settling pond is required per the tentative MRP. Furthermore, as discussed in the Salt and Nitrate Control Programs Reopener section of the tentative WDRs (Findings 45 and 46 of the tentative WDRs), the Discharger will receive a Notice

to Comply for Nitrate Control Program within the next few years and has already received a Notice to Comply for the Salt Control Program on 5 January 2021. These programs and the approach/path chosen by Grimmway to comply with these programs may necessitate staff modifying the requirements in the WDRs in the future (e.g., lining the wastewater settling ponds). Furthermore, if the influent monitoring data demonstrates that the Facility's discharge to the unlined pond threatens to degrade underlying groundwater quality beyond what is authorized by the WDRs, the Central Valley Water Board could amend the WDRs to require the ponds be lined. Therefore, staff proposes no changes to Finding 22 of the tentative WDRs.

JO ANNE KIPPS – COMMENT #3: The tentative WDRs should include at least a one-time characterization of carrot wash solids and/or settling pond sludge to ensure its disposal (offsite fill material) does not pose a threat to water quality.

RESPONSE: On 10 March 2021, Mike Sowers provided additional information about the solids management at the Facility. According to Mr. Sowers, the 1/8-inch mesh screen consists of culls and organic debris. This material is hauled directly offsite with no storage at the Facility and reused as cattle/animal feed by contracted farmer(s). The solids from the settling ponds consist of sand and silt material that is used for fill material at construction sites. The solids are stored in three bermed staging areas at the Facility to dry prior to removal. Finding 22 of the tentative WDRs were updated to reflect this information. Furthermore, the tentative MRP has been revised to require the Discharger to provide a summary in the fourth quarter monitoring report about the solids removed from the Facility. The following reporting requirement has been added to section III.B. of the tentative MRP:

11. A summary of the solids removed from the Facility (i.e., from the mesh screen and from the settling ponds). The summary should include estimated volumes and where the solids were hauled to.

Since the Facility only washes and packs carrots (e.g., no peeling, chopping, or other processing activity) the solids hauled from the facility should primarily only be sediment rinsed off the carrots. Central Valley Water Board staff collected a grab soil sample from a stockpile of the "sand settled from the setting ponds" at a similar Grimmway facility (Mountain View Carrot Packing Plant regulated by WDRs Order 5-00-180) in 2000. The monitoring data showed very low levels of nitrogen (0.63 mg/L for nitrate and non-detect for total Kjeldahl nitrogen [detection level = 2 mg/L]), salinity (56 mg/L for total dissolved solids), and organics (non-detect for biochemical oxygen demand [detection level of 2 mg/L]). The tentative WDRs include Solids Disposal Requirements that require residual solids to be managed in a way to prevent nuisance conditions and be handled in a controlled and contained manner (e.g., reuse as animal feed [Discharge Specification G.4]). Therefore, based on the Facility's processes (i.e., only carrot washing) and the data collected from a similar facility's settling pond, staff does not propose to require solid monitoring requirements in the tentative MRP.

JO ANNE KIPPS – COMMENT #4: Ms. Kipps identifies an editorial correction to Finding 27.

RESPONSE: Finding 27 has been revised to remove the word “not” and now reads as follows:

27. According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (<https://msc.fema.gov/portal>), neither the Facility nor the LAA is located within a 100-year floodplain.

JO ANNE KIPPS – COMMENT #5: Ms. Kipps notes that the Site Map is missing and suggests revising the Land Application Area (LAA) map to show the boundary of the APN identified in Finding 2.

RESPONSE: The tentative WDRs were revised to include the correct Site Map (Attachment A), and the Land Application Area Map was modified to identify APN 091-040-75-00-4.

JO ANNE KIPPS – COMMENT #6: Concerning Attachment B – Facility Map, Ms. Kipps states that available historical imagery from Google Earth shows multiple images showing liquid impounded in the emergency pond and to the area directly to the east of the emergency pond rimmed with mature vegetation. Ms. Kipps inquires what the area is to the east of the emergency pond.

RESPONSE: In response to Central Valley Water Board’s inquiry about aerial images with water present in the emergency pond, Mike Sowers, in a 30 September 2020 email, provided a figure identifying the grass area surrounded by trees directly east of the emergency pond as an employee recreation area/shaded picnic area. Central Valley Water Board staff have modified the tentative MRP to require the Discharger to report in the quarterly self-monitoring reports when the emergency pond is used. The following reporting requirement has been added to section III.A. of the tentative MRP:

9. If wastewater was discharged to the emergency pond during the quarter, provide a summary of the estimated volume of discharge, reason for using the emergency pond (i.e., cause of the emergency), and the duration of wastewater present in the pond. The summary should include any proposed corrective actions that will be implemented to prevent the problem from reoccurring again in the future.

JO ANNE KIPPS – COMMENT #7: Ms. Kipps requests Provision H.5 of the tentative WDRs be deleted as it typically applies to municipal wastewater treatment facilities.

RESPONSE: Provision H.5 has been removed from the tentative WDRs.

JO ANNE KIPPS – COMMENT #8: Ms. Kipps states that the use of “cost-effective” in Provision H.10 of the Order is inappropriate and should be removed.

RESPONSE: Provision H.10 is now Provision H.9 of the tentative WDRs and has been revised to remove “cost-effective” and reads as follows:

H.9 The Discharger shall use the best practicable control technique(s), including proper operation and maintenance, to comply with this Order.