
Central Valley Regional Water Quality Control Board

3 November 2015

CERTIFIED MAIL

91 7199 9991 7035 8363 2513

Chris Rufer
The Morning Star Packing Company, L.P.
724 Main Street
Woodland, CA 95695

VIA E-MAIL

Ross Oliveria
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WATER CODE SECTION 13267 ORDER FOR TECHNICAL REPORT, THE MORNING STAR PACKING COMPANY, L.P., COLUSA COUNTY

The Morning Star Tomato Packing Plant is owned and operated by The Morning Star Packing Company, L.P (Discharger), and is regulated by the Central Valley Regional Water Board under Waste Discharge Requirements (WDRs) Order R5-2013-0144.

On 2 November 2015, Central Valley Regional Water Board staff met with the Morning Star Packing Company management to discuss their response to the 11 September 2015 Notice of Violation. During the meeting, Board staff was given a tour of the facility, which included a brief stop at the Settling Pond. Board staff observed the drained Settling Pond, and solids in the pond associated with the tomato washing operations. The Settling Pond appeared to be significantly larger than the five acre foot pond described in the WDRs.

Water Code Section 13267 Request for Technical Reports

Section 13267 of the California Water Code states, in part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

Section 13268 of the California Water Code states, in part:

(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267... is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

The Morning Star Packing Company, L.P. own and operate the facility cited herein and is responsible for all waste generated at the facility. In order for Board staff to determine whether or not the Discharger is in compliance with the WDRs, The Morning Star Packing Company, L.P. is hereby directed to submit the technical report described below.

No later than **13 November 2015**, the Morning Star Packing Company, L.P. shall submit a technical report that includes the following:

- Dimensions of the Settling Pond, including the current depth of pond with the solids, and the anticipated depth of pond after the solids have been removed.
- The calculated volume of the Settling Pond with two feet of freeboard.
- Confirmation regarding whether or not there is a clay liner in the Settling Pond. If a clay liner is present in the pond, provide the thickness and permeability of the liner.

The technical report shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

The transmittal letter shall contain the penalty of perjury statement by the Discharger, or the Discharger's authorized representative, as described in the Standard Provisions General Reporting Requirements Section B.3.

Failure to submit the complete report, or submittal of incomplete report, subjects the Dischargers to civil liability (monetary penalties) of up to \$1,000 per day late or incomplete.

We have converted to a paperless office. Therefore, the technical report shall be converted to a pdf file and emailed to centralvalleysacramento@waterboards.ca.gov. To ensure that your submittal is routed to the appropriate staff person, please include the following information in the body of the email: Attention Guy Childs, Non-15 Program Enforcement/Compliance Unit, The Morning Star Packing Company, L.P., Morning Star Packing, Colusa County, and CIWQS Place ID 272617.

If you have questions, please contact Guy Childs at (916) 464-4648 or at gchilds@waterboards.ca.gov.

A handwritten signature in cursive script that reads "Andrew Altevogt".

ANDREW ALTEVOGT
Assistant Executive Officer

cc: Mayumi Okamoto, State Water Resources Control Board, Sacramento
Craig Erickson, Colusa County Environmental Health Department, Colusa
Kuljeet Mundi, Colusa County Environmental Health Department, Colusa
City of Williams Building Department, Williams
Ross Oliveria, The Morning Star Packing Company, L.P., Williams
Hillary Armstrong Reinhard, P.E., Madison

gjc: 3 Nov-15