

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 26th – 28th April 2023**

**RESPONSE TO WRITTEN COMMENTS ON
TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR
AZTECA MILLING L.P. DBA VALLEY GRAIN PRODUCTS
AZTECA MADERA MASA PLANT
MADERA COUNTY**

At a public hearing scheduled for 26th – 28th April 2023, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs) for Azteca Millings, L.P. dba Valley Grain Products (Azteca), Madera Masa Plant (Facility) for the discharge of food processing wastewater to land. The tentative WDRs (TWDRs) Order proposes to replace the Facility's current WDRs (Order 70-208) with revised WDRs that reflect the current Facility and Central Valley Water Board plans and policies. This document contains responses to written comments received from interested persons regarding the TWDRs and tentative Monitoring and Reporting Program (MRP) originally circulated on 6 February 2023. Written comments from interested parties were required to be received by the Central Valley Water Board by 5:00 p.m. on 8 March 2023 in order to receive full consideration. Comments were received by Azteca and Ms. Jo Anne Kipps.

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff have made a few minor changes to the TWDRs to improve clarity and fix typographical errors. Where specific changes are presented below, additions are shown in bold text and deletions are shown in strike-out.

8 March 2023 COMMENTS FROM AZTECA

Azteca – Comments 1 and 2, Finding 23 and Provision I.5.: Both Comments 1 and 2 are regarding the installation of composite samplers. Azteca notes in Comment 1 that Finding 23 incorrectly states Provision I.5. requires influent sampling. Comment 2 requests that the MRP allow effluent samples be collected as grab samples (not composite samples) and that Provision I.5 (requirement to install an effluent flow composite sampler) be removed. Azteca included the following rationale for their request:

EFF-01 should be a representative location of wastewater pumped from the pond(s) to the LAAs, such as a sampling port on the pressurized line. This is consistent with WDR Attachment D - Azteca Madera Masa Plant Flow Schematic. This will provide the most accurate water quality data for the wastewater applied to the LAAs and loading rate calculations. When samples are collected from the large wastewater pond, they are effectively already composited samples representing multiple days of facility flow (i.e., more than 24-hours), so an additional composite sampler is unnecessary. In this case, a composite sampler would provide little-to-no additional value. It is requested that this provision be removed from the WDR and MRP and the sample method be re-specified to grab samples.

RESPONSE: Staff have removed the requirement to collect effluent samples using a composite sampler (i.e., Provision I.5.) and modified Finding 25 (previously Finding 23 as shown below). Staff also made changes to the MRP to remove the requirement for composite effluent samples:

25. The results show considerable variation in concentrations as shown in Table 2. As previously noted, high pH cooking water makes up 90 to 95 percent of the discharge. The other five to ten percent of the discharge is generated during the cleaning of the processing equipment. The variability in concentrations is likely the result of collecting grab samples of the effluent that don't ~~do not~~ represent the blended discharge. **Upon completion of the proposed lined effluent storage pond (17.3 million gallons), effluent samples collected after storage in the pond will provide a more representative sample of the Facility's effluent.** ~~In order to collect a more representative sample of the Facility's discharge, effluent samples should be collected after storage in the holding tanks (current) or after storage in the proposed lined effluent storage pond when operational, but prior to discharge to LAA-1 or to proposed LAA-2 when operational using a composite sampler, preferably flow-based. This Order includes Provision I.5 requiring the installation of composite sampling devices to collect influent and effluent samples.~~

Azteca – Comment 3, Effluent Limitation D.1.: Azteca requests the proposed performance-based effluent limitation for fixed dissolved solids (FDS) of 1,900 mg/L be replaced with a mass-based performance-based effluent limitation (i.e., 1.215 million pounds per year) by using the proposed FDS limit of 1,900 mg/L and flow limit of 0.21 million gallons per day (mgd). Azteca contends that the limited data is not sufficient for adequately determining a performance-based effluent limitation. For example, an influent FDS result from October 2021 (4,700 mg/L) was significantly higher than the proposed 1,900 mg/L limit. In addition, Azteca commented that potential future conservation efforts may increase the Facility's effluent concentration but not mass concentration.

RESPONSE: The Central Valley Water Board does not typically include mass-based effluent limits. Determining compliance with a mass-based limit versus a concentration-based limit can be challenging (as well as delayed) as it requires the proper recording and calculation of flows and effluent concentrations. Staff recognize the dataset is limited. To determine the proposed limit, staff used the highest recorded effluent sample (1,900 mg/L) rather than the overall average effluent FDS concentration (1,090 mg/L) due to the limited dataset. Furthermore, the proposed performance-based effluent limitation is established as an annual average rather than a shorter averaging period (e.g., monthly).

If, in the future, the Facility's effluent does exceed the proposed salinity limit, staff have revised Section D (Effluent Limitation) of the TWDRs to include specific actions the Discharger must conduct. Specifically, the Discharger would be required to prepare and submit a Salinity Report that evaluates the Facility's increased salinity concentrations and investigates the reasons for the exceedance. If the increased salinity

concentrations are attributed to conservation efforts at the Facility, the Discharger should present that in the required Salinity Report. Depending on the findings from the Salinity Report, a Report of Waste Discharge may be required to modify the Facility's WDRs. The text changes to Section D are significant; therefore, the changes are not included below. Please see Effluent Limitation Section D of the revised TWDRs for staff's changes.

Azteca – Comment 4, Discharge Specification E.5: Discharge Specification E.5 requires dissolved oxygen (DO) content in the upper one foot of any wastewater treatment or storage pond to not be less than 1.0 mg/L. Azteca contends that increased agitation and aeration of the initially hot wastewater from the Facility would increase the potential for odor generation. Therefore, Azteca requests a revised DO limit as follows:

To address this situation, we would suggest a revised limit of 1.0 mg/L on wastewater held for more than 48 hours. Wastewater held in smaller volumes (and for less than 48 hours) during the cooling period would not be subject to a 1.0 mg/l limit, while storage of larger volumes of wastewater for more than 48 hours would. Compliance with the 48-hour hydraulic residence time (hrt) period could be demonstrated by land application records. Idle periods of more than 48 hours would require the 1.0 mg/L DO limit to be met in the basin. This would provide aeration to the basin that is at an ambient temperature and therefore limit the aeration and agitation.

Response: Staff do not propose to make the requested change. Based on available information provided so far, it is unclear how Central Valley Water Board staff could determine compliance with the proposed revised DO limit. Since the Facility generates wastewater on a daily basis and has only one proposed pond for storage, it's unclear how one could determine if water has been stored for less or more than 48 hours. Furthermore, it has not been demonstrated that storage of wastewater at the Facility with less than 1.0 mg/L DO would not create nuisance conditions.

Azteca – Comment 5, Provisions I.9: Provision I.9 requires the submittal of a Post Construction Report by 29 April 2024 for the proposed effluent storage pond. Azteca provided the following comment to request an additional year to complete the pond:

It is requested that the Regional Board provide allowances to include the possibility of additional wastewater pretreatment in the WDRs. This will avoid a revised WDR soon after issuing this new permit. This schedule will allow more time for final decisions to be made on wastewater pretreatment, design criteria, incorporation of the new LAA-2, and to obtain plastic liner and construct the pond.

It is requested that this deadline and all associated deadlines (e.g., Pond Operation and Maintenance Plan) be changed to 29 April 2025. Additional wastewater pretreatment is being considered to further reduce potential objectionable odors and improve water quality. Given these factors and issues with global supply chains and labor, completing construction of the pond and a Post-Construction Report by April 29, 2024 is not feasible. Note that it will not be possible to manage all LAAs in accordance with an

Updated Wastewater and Nutrient Management Plan until the storage pond is completed.

Response: Staff have made the requested changes. Provision I.8 (formerly I.9) has been modified to require the submittal of a Post-Construction Report by 29 April 2025. Provision I.9 (formerly I.10) has been modified to require the submittal of the Pond Operation and Maintenance Plan by 29 April 2025. Furthermore, Provisions I.6 and I.10 (formerly I.7 and I.11, respectively) were modified to reflect the new date (29 April 2025) regarding the application of wastewater since the effluent storage pond is needed to apply wastewater at agronomic rates to the LAAs.

Azteca – Comment 6, TWDRs Administrative Edits: Comment 6 included eight “Minor Administrative Edits.”

Response: As noted on page 1, staff made minor edits to the TWDRs for clarity and to correct typographical errors. All edits requested in Comment 6 were grammatical/editorial in nature and were made.

Azteca – Comment 7, MRP Effluent Monitoring Locations: Azteca requests Monitoring Location EFF-01 in the MRP be changed to a representative location of wastewater pumped from the pond to the LAAs (instead of to the storage pond).

Response: The description of Monitoring Location EFF-01 in MRP, Table 1 was changed as shown:

Location where a representative sample of the effluent can be **collected after being pumped from the storage tanks/ponds** ~~following screening and pH adjustment and~~ **but prior to the discharge to the LAAs.** ~~storage ponds.~~

Azteca – Comment 8, MRP - Table 2, Influent Monitoring (INF-01): Change the introductory sentence for Table 2, page 3 of MRP from reading “effluent” to “influent.”

Response: Requested change was made to the sentence prior to Table 2.

Azteca – Comment 9, MRP - Section D (Source Water Monitoring): The MRP requires if source water is supplied for more than one well, the results are to be presented as flow-weighted averages of all of the wells. Azteca proposes to collect and analyze samples from all source water/supply wells but requests the results be presented individually rather than flow-weighted averages of all the wells.

Response: Flow-weighted averages are required so that the contribution of various constituents (i.e., EC, FDS, and nitrate as N) in the supply water are accounted for in loading analyses. The source water quality is an important component of the loading analyses to adequately determine the contribution the Facility’s processes/activities have on the effluent concentrations. Flow-weighted averages provide an accurate characterization of the source water quality at the Facility. Therefore, staff does not propose to make changes to the MRP based on these comments.

Azteca –Comment 10, MRP - Section F (Land Application Area Monitoring): Azteca notes that Section F requires “*Evidence of erosion, field saturation, runoff, or the presence of nuisance conditions (i.e., flies, ponding, etc.) shall be noted in the Facility’s logbook and included as part of the annual monitoring report.*” Azteca requests that a summary of the logbook be included in the quarterly reports, but the entire logbook would not need to be submitted.

Response: Section F was modified as follows:

The Discharger shall inspect LAA-1 and LAA-2 at least once daily prior to and during irrigation events. Evidence of erosion, field saturation, runoff, or the presence of nuisance conditions (i.e., flies, ponding, etc.) shall be noted in the Facility’s logbook ~~and included as part of the annual monitoring report.~~ **A summary of the notations made in the LAA log shall be provided in each quarterly report...**

Azteca –Comment 11, MRP - Section G (Plant Tissue Monitoring) and Table 8: Azteca requests several portions of Table 8 of the MRP be removed, stating they are not needed for regulatory reporting or protection of water quality.

Response to Azteca MRP Comment 11: Table 8 was modified as shown below:

Table 1 – Plant Tissue Monitoring

Frequency	Constituent	Units	Sample Type
Once per crop.	Crop type	---	---
Once per crop.	Date Planted	Date	---
Once per crop.	Seed Cultivator	---	---
Once per crop	Seeding Rate	lbs/ac	---
1/Week	Crop status, growth stage, and health	---	Observation
Each cutting	Crop harvest date	Date	---
Each cutting	Crop yield	Tons/acre	---
Each cutting	Crop Removal Analysis (see 1 below)	Misc.	Composite
Once per crop	Crop destination (buyer)	---	
Each cutting	Crop removal analysis – (Moisture, Nitrogen, Potassium, Phosphorus, Ash)	percent	Composite

Azteca – Comment 12, MRP – Section III (Laboratory Reports): Azteca requests the requirement to submit laboratory analytical reports along with the monitoring reports be removed to be consistent with other MRPs issued.

Response: No changes were made to the MRP based on these comments. The requirement to include laboratory analytical reports has been required in other recent MRPs adopted by the Central Valley Water Board. The reports provide staff the ability to confirm the accuracy of data submitted in the self-monitoring reports.

Azteca – Comment 13, MRP – Section III.A. (Quarterly Monitoring Reports): The tentative MRP states that quarterly monitoring reports are required to be submitted by the 1st day of the second month after the quarter (i.e., the 1st Quarter [January-March] quarterly report is due 1st May). Azteca requests the due date be changed to 1st day of the third month following the quarter (i.e., the 1st Quarter [January-March] quarterly report is due 1st June).

Response: No changes were made to the MRP. The requirement to submit monitoring reports after one month is consistent with other recently issued MRPs for dischargers and should provide sufficient time for Azteca to compile, analyze, and submit the monitoring report. Furthermore, the MRP only requires quarterly reports, not monthly reports; consequently, reducing the burden on the Discharger to prepare self-monitoring reports.

Azteca – Comment 14, MRP - Section III. B.8. (4th Quarter Monitoring Reports): Azteca requests that the calibration logs be kept and maintained but not provided in the report in its entirety.

Response: No changes were made to the MRP based on this comment. The calibration logs provide confirmation that the hand-held monitoring instruments and devices are being properly maintained, which helps demonstrate that the data being reported to the Central Valley Water Board is accurate.

Azteca – Comment 15, MRP, Section H and Table 9 (Soil Monitoring): Azteca requests the requirement of monitoring soil for buffer pH be removed from the MRP as it is not a useful analysis for soils with a pH greater than 6.0 s.u.

Response: The requirement to sample soil for buffer pH was removed from Table 9.

8 March 2023 Comments from Ms. Jo Anne Kipps

Ms. Kipps – Comment 1, Facility Owner Information: Ms. Kipps requested the following:

Please consider revising the tentative order to disclose the business connection between Azteca and Gruma, or at least acknowledge the connection in the Response to Comments.

Response: In response to the comment, staff have revised Findings 2 and 3 of the TWDRs to provide a more detailed summary of the companies that have owned the Facility.

Ms. Kipps – Comment 2, CEQA: Ms. Kipps provided the following California Environmental Quality Act (CEQA) comment regarding the Facility:

Please explain why the Board does not consider the current discharge as materially changed from the discharge first authorized in 1970. Specifically, why doesn't the ten-fold increase in discharge flow over 1970 levels, construction of two new wastewater surface impoundments, and addition of a 227-acre land application area (LAA-2) trigger an evaluation under CEQA? Is it because the statute of limitations has expired for non-compliance with CEQA and with California Water Code section 13260? Is it a case of a regulatory horse that has left the barn?

Please revise the tentative order to summarize the changes in Plant ownership since 1970 and to identify: (1) when the Plant was expanded to its current capacity (400,000 lbs/day), (2) when the current center-pivot sprinkler irrigation system was installed, and (3) the name(s) of the discharger(s) responsible for expanding the Plant and for installing the current irrigation system.

Response:

The TWDRs establish a flow limitation based on the Facility's existing flows. While these flows exceed the flows recognized in 1970, they do not authorize a future increase in discharge flows. In fact, these WDRs specify a flow limitation to limit any future increase in discharge flows, while WDRs Order 70-208 did not specify any flow limitation. Information in the file indicates the Facility was upgraded in 1980 (16 years before Azteca purchased the Facility), which resulted in the flows exceeding the 21,000 gpd design flow limit listed in Order 70-208. Flow during a 1989 inspection was listed at 66,000 gpd. Azteca staff are unaware of when exactly the Facility began irrigating using a center-pivot sprinkler system. As noted in Finding 23, aerial photographs in 1985 show the pond appearing to have water (used for flood irrigation), while the next available aerial photograph in 1998 shows the pond appearing empty and faint circles from what appears to be sprinkler irrigation are visible in the LAA. Also, photographs in the file from a May 1990 site visit show water in the pond and notes that wastewater was applied via flood irrigation.

CEQA (Public Resources Code, section 21000 et seq.) applies to discretionary agency actions that may cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code, § 21065.) CEQA includes an exemption for the permitting of operations, maintenance, and reconstruction at existing facilities where such action will involve negligible or no expansion of existing or former use. (Cal. Code Regs., tit. 14, § 15031.) This permit does not authorize any expansion of the facility's existing or former use. As stated in Finding 81 and above, these WDRs establish a flow limitation based on existing flows and do not authorize an expansion of the Facility's operations. Furthermore, these WDRs authorize the proposed reconstruction of an existing effluent storage pond to add a liner that will be more protective of underlying groundwater quality than the current unlined pond. Therefore, the issuance of these WDRs is exempt from CEQA pursuant to California Code of Regulations, title 14 (Title 14), section 15301. CEQA also includes

an exemption for minor alterations to land. (*Id.*, § 15034.) The existing land application area (LAA-1) is the same land application area that has been in use at the site since the 1970s; it has not decreased in size. While the Discharger is proposing to add additional land application area to the east, adjacent the existing Facility (LAA-2), that land is already used for agricultural purposes (currently cropped with almonds) and requires irrigation. The continued use of the existing LAAs (LAA-1) and the use of existing irrigated lands (LAA-2) as additional LAAs constitute minor alterations to land. Similarly, as stated in Finding 82, to the extent that the construction of any new basins, ponds, and/or surface impoundments are authorized under this Order, such features constitute minor alterations to land. Therefore, the issuance of these WDRs is exempt from CEQA pursuant to Title 14 section 15304.

To the extent that the Discharger may propose construction of any additional ponds, the TWDRs have been revised to state that any such proposal would require the Discharger to submit a new Report of Waste Discharge and address CEQA (see staff's response to Ms. Kipps Comment #6).

Ms. Kipps – Comment 3, Water Balance: Ms. Kipps requests:

Please confirm that the water balance cited in Finding 34 applies only to LAA-1, and the 74 MG of supplemental well water identified in Finding 28 reflects an amount required only for LAA-1.

Response: The first sentence of Finding 30 (previously Finding 28) was modified as follows:

The 2021 NMP also notes about 74 million gallons of supplemental freshwater will be required to successfully manage and farm ~~the LAAs~~ **LAA-1**.

Finding 36 (previously Finding 34) was modified/added as follows:

.....The 2021 NMP **includes a water balance (assuming only discharge to LAA-1) that** indicates the maximum volume of water stored for the 100-year water balance ~~would was estimated to be~~ 17.241 million gallons, ~~which is just less than the~~ **proposed effluent pond's** capacity of 17.296 million gallons.

Ms. Kipps – Comment 4, Pond Operation Details: Ms. Kipps states that the TWDRs do not describe how the proposed lined effluent storage pond will be operated. Specifically, Ms. Kipps requested that staff respond to the questions below and estimate, if possible, the range of detention times and water depth fluctuations anticipated during the irrigation seas.

- *Will it [effluent storage pond] contain wastewater for most of the year?*
- *Will it [effluent storage pond] need to be empty by 1 October each year to ensure compliance with the tentative order's land application area specifications?*
- *How much and how quickly will its depth vary.*

Response: The Discharger submitted a November 2021 Tier 1 Pond Design Report Design that addressed pond capacity on a month-by-month basis and included Figure

5A Storage Pond Water Balance. According to the water balance, water will be present in the pond most months. During normal precipitation years, the pond is anticipated to be empty for about eight to nine weeks in August and September (just prior to October) and to have a maximum storage of about 2 million cubic feet (about 15 million gallons) of effluent around the end of February of each year (2.3 million cubic feet or 17.241 million gallons estimated for a 100-year annual return frequency). Furthermore, Azteca has confirmed that the effluent storage pond will have aeration and the TWDRs require the Discharger to submit a Pond Operation and Maintenance Plan (Provision I.9) before initiating the discharge of wastewater to the pond (see staff's response to Ms. Kipps' Comment 5 below for more discussion).

Ms. Kipps –Comment 5, Odor Conditions: Ms. Kipps notes she has concerns with the TWDRs and the odor nuisance potential of the stored wastewater without aeration. Ms. Kipps states the following:

Without aeration to supplement natural sources of oxygen, how can the Board be sure that the pond and sprinkler discharge will not be the cause of numerous nuisance odor complaints from Highway 99 commuters and Madera Acres residents? The tentative order should be revised to identify the pond aeration system(s) that will be installed and operated to maintain aerobic conditions and otherwise comply with the tentative order's minimum 1 mg/L pond dissolved oxygen requirement. The Board should not adopt the tentative order without the Discharger's commitment to provide aeration to the pond.

Response: Staff concur that considering the high strength nature of the discharge potential odors are a concern for the discharge if not properly stored. The TWDRs include multiple provisions and prohibitions addressing potential odors generated at the Facility (e.g., Discharge Prohibition B.5, Discharge Specifications E.4 and E.5, Solids Disposal Specification H.2., and Provision I.9.). Currently no BOD removal occurs at the Facility prior to discharge to land and staff are unaware of any reports of the discharge causing nuisance conditions.

Azteca has recently confirmed that the effluent storage pond will have aeration. Staff have revised the TWDRs to note that effluent storage pond will be aerated. Furthermore, staff have revised Provision I.9 (Pond Operation and Maintenance Plan Requirement) to require Azteca to provide the details of the aeration system and to state that the Pond Operation and Maintenance Plan must be approved by the Executive Office prior to commencing discharge of wastewater to the pond. Furthermore, the Discharger's representatives have recently indicated that the Discharger is exploring options of adding pretreatment at the Facility to treat the Facility's discharge prior to discharging the wastewater to the ponds.

Ms. Kipps – Comment 6, Potential Second Storage Pond: Ms. Kipps comments that a second effluent storage pond might not be necessary and requests edits removing references to a second effluent storage pond. If a second pond is required, she asks that a new provision be inserted to specify its design and location.

Response: Staff have revised the TWDRs to state that if the Discharger proposes to construct a second storage pond, the Discharger must submit a Report of Waste Discharge and demonstrate that CEQA has been satisfied. Below is the revised language for Finding 39 (previously Finding 37).

During the 14 October 2022 inspection, the Discharger indicated another lined pond would likely be required as an equalization pond to adequately irrigate the recently acquired LAA-2. An updated Wastewater Nutrient Management Plan is necessary to demonstrate how the 227-acre area will be utilized to apply effluent at agronomic rates. **If the Discharger proposes to construct an additional effluent storage pond, the Discharger must submit a Report of Waste Discharge for the material change and provide a summary of the construction and land use permits that may be required by the local agency (e.g., Madera County) and whether the pond construction triggers the need for a CEQA evaluation.**

Ms. Kipps –Comment 7, Finding 18 (Solids Disposal): Ms. Kipps notes Finding 18 indicates about 1.5 tons of wet solids are generated daily and sold offsite as animal feed. Ms. Kipps requests:

Please describe where this storage occurs and what measures are employed to ensure leachate is collected and returned to the Plant's wastewater collection system.

Response: Staff provided more information regarding the solids in response to the comment. Finding 20 has been added as shown below.

20. Approximately 1.5 tons of wet solids are generated daily, which are sold offsite as animal feed. After screening, a screw press reduces the moisture content of the solids to about 70 percent prior to depositing them into bins that are dumped into onsite trailers. Solids are not applied to the LAAs.

Ms. Kipps –Comment 8, Land Application Area Specification F.4.: Ms. Kipps requests Land Application Area Specification F.4 be modified as follows:

*Please consider revising Land Application Area Specification F.4 to read: Hydraulic loading of wastewater and irrigation water shall be at reasonable agronomic rates designed to **maximize the areal coverage provided by the irrigation system and to minimize the percolation of wastewater and irrigation water below the root zone (i.e., deep percolation).***

Response: No changes were made to the proposed TWDRs based on this comment. The additional language does not appear necessary as the TWDRs already has language requiring application at agronomic rates. If the Discharger does overapply wastewater to the land application area and cause nuisance conditions or unreasonable degradation of groundwater, the Discharger would be in violation of Land Application Area Specification F.3.

Ms. Kipps –Comment 9, Supply Well Information (Finding 28): Ms. Kipps notes that 74 million gallons of irrigation water will be provided by an irrigation well located onsite and asks:

Are there any construction details or water quality data available for this well? If so, please provide in tentative order or Response to Comments.

Response: Staff do not currently have well construction details or water quality data for the well. However, the MRP (Section II.E.) requires the Discharger to monitor the supplemental irrigation water for electrical conductivity, fixed dissolved solids, and nitrate.

Ms. Kipps –Comment 10, Fourth Quarter Monitoring Report (Soil Monitoring): Ms. Kipps states concerns regarding “decades of conducting the discharge without cropping” has left a “legacy of excessive nitrogen of LAA-1 soils” that is not accounted for. Ms. Kipps requests:

Please consider requiring Fourth Quarter Monitoring Reports to include the following requirement after 2.a:

Discussion of an evaluation of soil monitoring data collected over the reporting period to estimate the concentrations in the upper six feet of LAA soils of Nitrate-N, Ammonia-N and TKN in units of lbs/acre. The discussion shall propose how soil nitrogen concentrations will be considered as a nitrogen source for crops grown the following year.

Response: Staff have made the requested change.

Ms. Kipps –Comment 11, Performance-Based Effluent Limitation: Ms. Kipps requests that the 1,900 mg/L FDS performance-based effluent limitation be assessed as a 12-month rolling average limit rather than an annual average limit.

Response to Ms. Kipps Specific Comment 11: Staff do not propose to change the FDS annual average 1,900 mg/L limit to a 12-month rolling average limit. This type of salinity limit has been included in other recently adopted WDRs as an annual average for dischargers that have selected to participate in the Prioritization and Optimization Study for the Salt Control Program. However, MRP, Section III.A.2. requires the Discharger to conduct 12-month rolling average FDS calculations for each month to monitor the Facility’s effluent salinity concentrations.

Ms. Kipps –Comment 12, Formatting Changes to Discharge Specifications. Ms. Kipps offered several changes to the Discharge Specifications (Section E) (i.e., create new “General Specifications” and Pond Specification” sections).

Response: Thank you for the recommendations, but staff do not propose to make the requested formatting changes in the TWDRs.

Ms. Kipps –Comment 13, Pond Storage Specification. Ms. Kipps requested the following specification be added to the TWDRs.

On or about 1 October of each year, available pond storage capacity shall be at least equal the volume necessary to comply with Land Application Area Specifications F.4 (reasonable agronomic rates) and F.8 (no discharge to saturated soils)

Response: Based on the comment, staff have added the following to Discharge Specifications to Section E.

- 11. Starting 29 April 2025, wastewater treatment, storage, and disposal ponds or structures shall have sufficient capacity to accommodate allowable wastewater flow, design seasonal precipitation, and ancillary inflow and infiltration during the winter while ensuring compliance with all requirements of this Order. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.**
- 12. Starting 29 April 2025, on or about 1 October of each year, available capacity shall at least equal the volume necessary to comply with Discharge Specifications E.7 and E.11.**

Ms. Kipps –Comment 14, Pond Action Leakage Rate. Ms. Kipps requests the TWDRs include a specification prescribing an “Action Leakage Rate (ALR) of 1,000 gallons per acre per day” and that the TWDRs establish specific consequences when the ALR is exceeded.

Response: Provost and Pritchard prepared a November 2021 Tier 1 Pond Design Report that estimates the capacity of the Leakage Collection and Removal System (LCRS) and indicates the Action Leakage Rate (ALR) for the pond as proposed is 1.3 gallons per minute. Discharge Specification E.13 was added as shown below.

- 13. The proposed lined effluent storage pond will contain a Leachate Collection and Removal System (LCRS). This order includes an Action Leakage Rate (ALR) for the LCRS. If leachate generated in the LCRS exceeds the ALR, the Discharger is required to take actions to inspect and repair the primary liner system if applicable. Based on the November 2021 Tier 1 Pond Design Report, the ALR for the proposed effluent storage pond and LRCS is 1.3 gallons per minute.**

Ms. Kipps –Comment 15, Groundwater Monitoring Requirements. Ms. Kipps comments that the TWDRs should require groundwater monitoring and requests the TWDRs be revised to require the installation of a groundwater monitoring network at the Facility within two years of adoption of the TWDRs. Ms. Kipps alternatively recommends, if staff do not propose to include groundwater monitoring requirements to the MRP, that the TWDRs be revised *to indicate groundwater monitoring may be required in the event monitoring data reveals soils impacted by the discharge contain waste constituents in concentrations that may threaten groundwater quality.*

Response: While the groundwater data for the site is limited, the data that is available (Finding 48 and Table 8 of TWDRs) does not suggest that the past discharge from the

Facility has significantly degraded the underlying groundwater quality with salts and/or nitrogen. Furthermore, groundwater is currently fairly deep in the area (around 270 feet in 2021), which would significantly increase the cost of installing monitoring wells. As previously discussed, the proposed effluent retention pond will be a double-lined pond. Furthermore, the TWDRs require wastewater to be applied agronomically on LAAs and that crops will be grown on the LAA, which will help mitigate the Facility's impact on underlying groundwater. Therefore, the current information available does not justify groundwater monitoring now. Nevertheless, if it is later found that groundwater monitoring is needed for the Facility, the Central Valley Water Board Executive Officer has the ability to issue a letter pursuant to California Water Code 13267 to require groundwater monitoring. No changes were made to the TWDRs or MRP based on this comment.

Ms. Kipps –Comment 16, Sludge Disposal Specification. Ms. Kipps asks if the Tier 1 Pond Design discusses sludge accumulation and removal. If not, Ms. Kipps requests that Provision I.10 (now I.9 due to edits) be modified to include language for pond sludge removal.

Response: The following sentence was added to the end of Provision I.9.

9. ... **Additionally, the Plan shall include a detailed plan for pond sludge removal, treatment (dewatering and/or stabilization), and disposal. If sludge is proposed to be dried onsite, the Plan shall describe the measures to be used to control odors, flies and other vectors, and the measures to control runoff or leachate from the sludge as it is drying.**

Ms. Kipps –Comment 17, Solids Disposal Specification H.2. Ms. Kipps states that Solids Disposal Specification H.2 mentions ponds as a receptacle for residual solids and suggests that the term ponds is not appropriate in this section.

Response: The wording “and ponds” was removed from Solids Disposal Specification H.2.

Ms. Kipps –Comment 18, Provision H.13. Ms. Kipps states that provision I.13 refers to discharge flow increases and typically applies to municipal discharges, not industrial discharges.

Response: Provision I.13 was removed.

Ms. Kipps –Comment 19, Provision I.16. Ms. Kipps states that Provision I.18 (now I.16) refers to the Facility as a WWTF and requests the reference be changed to Facility.

Response: The requested change to I.16 was made.

Ms. Kipps –Comment 20, Effluent Sample Location and Description. Ms. Kipps identifies inconsistencies in the effluent Monitoring Locations EFF-01 and EFF-02 in the TWDRs and MRP and requests changes to the description of the narrative for EFF-1 in Table 1 of the MRP and add a second effluent monitoring location (EFF-2) in the MRP.

Response: The listing of EFF-2 on Attachment D of the TWDRs was an error. Staff propose to have an influent monitoring location (INF-001) where a representative sample of the process wastewater can be collected (prior to screening and pH adjustment) and an effluent monitoring location (EFF-001) located where a representative sample of the effluent can be collected after being pumped from the storage tanks/ponds, prior to discharge to the LAAs. Attachment D was modified to remove the EFF-2 designation. The Discharger had also requested a modification of the narrative describing EFF-1 in Table 1 of the MRP. Changes were made to this description as shown in staff's response to Azteca Comment 7.

Ms. Kipps –Comment 21, Leachate Collection and Removal System (LCRS) Monitoring Requirements: Ms. Kipps notes that there is no LCRS monitoring requirements for the proposed lined pond or ponds and requests additional text be inserted in the description for Pond Monitoring in Table 1 of the MRP and be added to Table 4 of the MRP.

Response: Staff made changes to Table 4 of the MRP based on these comments. Specifically requiring the Discharger to inspect and pump out the LCRS monthly and calculate the leachate rate once per year (or as specified in an approved O&M Plan)

Ms. Kipps –Comment 22, Soil Monitoring Locations. Ms. Kipps requests: *Please consider requiring a minimum of three soil sample locations in each distinctly managed field, and for LAA-1 fields 1 through 6, require a minimum of two soil sample locations in areas that have historically received the highest loadings of wastewater, and at least one sample collected beyond the area covered by the current sprinkler system.*

Response: Staff made changes to Section H, Soil Monitoring of the MRP as follows:

The Discharger shall establish, with the concurrence of Central Valley Water Board staff, **a minimum of two** representative soil profile monitoring locations within the **individual land application areas identified as field numbers 1 through 6 for LAA-01 (and a similar number for LAA-02)**~~land application areas~~ and at least two representative background location(s) (i.e., that historically have not received process wastewater).