

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO R5-2010-0082

RESCISSION OF CEASE AND DESIST ORDER NO. R5-2007-0139

MUSCO FAMILY OLIVE COMPANY AND THE STUDLEY COMPANY  
WASTEWATER TREATMENT AND LAND DISPOSAL FACILITY  
SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) finds that:

1. Musco Family Olive Company and the Studley Company (hereafter jointly referred to as "Discharger"), owns and operates the olive cannery and wastewater treatment system at 17950 Via Nicolo, Tracy, San Joaquin County. The Studley Company owns the land (Assessor's Parcel Numbers 209-11-18, 209-11-31, 209-11-32, 251-32-08, and 251-32-09) in Section 34, T2S, R4E, and Section 4 T3S, R4E, MDB&M, and Musco Family Olive Company owns and operates the facility.
2. The Discharger has operated at the site since 1983. The entire facility consists of 280 acres, of which approximately 80 acres are used for the processing plant. Of the remaining 200 acres, approximately 171 acres are currently used for land application of wastewater. The remaining 40 acres consist of service roads, environmentally sensitive areas, and approximately 11 acres left fallow due to regulatory constraints.
3. On 6 September 2002, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2002-0148 for land application of food processing wastewater; on 27 January 2005, WDRs Order No. R5-2005-0024 was adopted for discharge of food processing derived designated waste to Class II storage/evaporation ponds.
4. At the time Cease and Desist Order (CDO) No. R5-2007-0139 was adopted, wastewater generated at the facility was regulated under two separate WDRs:
  - a. Order No. R5-2005-0024 regulates two Class II surface impoundments that are regulated under Title 27 of the California Code of Regulations, §20005 et seq., (hereafter Title 27). The Class II surface impoundments are used to store and evaporate concentrated brines that have been determined to be designated waste.
  - b. Order No. R5-2002-0148 regulates the treatment, storage, and land application of other wastewater. The Order only applies to wastewater that is not discharged to the Class II surface impoundments.
5. On 26 October 2007, the Central Valley Water Board adopted CDO Order No. R5-2007-0139 pursuant to California Water Code Sections 13301 and 13267. The

basis for the CDO is described in Finding No. 17 of the Order. The finding summarizes the violations as follows:

*As described in Findings below, the Discharger has violated numerous Discharge Prohibitions, Discharge Specifications, Effluent Limitations, and Land Application Areas Specifications contained in WDRs Order No. R5-2002-0148, as well as the Effluent Limitations in Cleanup and Abatement Order No. R5-2002-0149.*

6. CDO No. R5-2007-0139 required the Discharger to perform certain technical studies, design a wastewater treatment system that is protective of groundwater quality, and submit a Report of Waste Discharge (RWD) to allow updating the facility WDRs.
7. The Discharger submitted the technical studies and an RWD dated 30 March 2009 to apply for revised Waste Discharge Requirements (WDRs) for land discharge of olive processing wastewater. Additional information was submitted on various dates in December 2009.
8. On 18 March 2010, the Central Valley Water Board adopted revised WDRs Order No. R5-2010-0025 for the land application of certain wastewater discharges at the facility and rescinded WDRs Order No. R5-2002-0148. WDRs Order No. R5-2005-0024 which addresses the Class II surface impoundments, remains in effect.

## **PROCEDURAL REQUIREMENTS**

9. The Discharger and interested persons were notified of the intent to consider rescission of the CDO and were provided an opportunity for a public hearing and an opportunity to submit their written comments.
10. The issuance of this Order is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), in accordance with Title 14, California Code of Regulations, section 15321.
11. California Water Code Section 13306 requires:

*A majority vote of the entire membership of a regional board shall be required to adopt, rescind, or modify any enforcement action authorized by Section 13301.*
12. Any person affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with sections 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812-0100, within 30 days of the date on which the action was taken. Copies of the laws and regulations applicable to the filing of a petition are available at [http://www.waterboards.ca.gov/water\\_laws/index.html](http://www.waterboards.ca.gov/water_laws/index.html) and will be provided on request.

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**IT IS HEREBY ORDERED** that Cease and Desist Order No. R5-2007-0139 be rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 29 July 2010.

Original signed by

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PAMELA C. CREEDON, Executive Officer