

28 April 2012

Jo Anne Kipps  
Fresno, CA

Mr. Robert A. Crandall, Assistant Executive Officer  
c/o Ms. Jacqueline Matthews  
California Regional Water Quality Control Board  
415 Knollcrest Drive, Suite 100  
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**TENTATIVE WASTE DISCHARGE REQUIREMENTS ORDER FOR CALIFORNIA OLIVE RANCH, ARTOIS MILL AND RANCH, GLENN COUNTY**

This letter transmits my comments on the subject Tentative Order. I am a resident of Fresno County and a California registered civil engineer with expertise in evaluating the effects to soil and groundwater from discharges of food processing and winery wastewater to land for treatment and disposal. I gained this expertise during the 11 years that I worked as a Senior Water Resources Control Engineer in the Fresno Office of the Central Valley Water Board.

Finding 27 describes the various best practicable treatment or control measures implemented by California Olive Ranch (Discharger), including several physical treatment systems for solids and oil removal (grease trap, pre-filter, centrifuge, gravity settling). Finding 32 categorizes the Discharger's threat and complexity as 3-C for annual discharge fee purposes. Title 27, California Code of Regulations, Section 2200, provides definitions for discharger threat to water quality (1, 2, or 3) and discharge complexity (A, B, or C), and identifies the annual fees associated with each threat and complexity combination. Discharger annual fees provide funding essential for Regional Water Boards to conduct core regulatory work.

Section 2200 defines Category C dischargers as "dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal." While the Discharger relies on passive land treatment for final treatment and disposal of its processing wastewater, it does so only after subjecting it to several physical treatment systems to reduce the concentrations of waste constituents in the discharge prior to land disposal. The Tentative Order recognizes the necessity of these physical treatment systems by including Discharge Specification B.3, which requires the Discharger to "operate all systems and equipment to maximize treatment of wastewater and optimize the quality of the discharge." Accordingly, the Tentative Order should classify the Discharger's complexity as "B", which Section 2200 defines as: "Any discharger not included in Category A that has physical, chemical, or biological treatment systems..." This change will result in the Discharger paying higher annual fees. California's Regional Water Boards are chronically underfunded for core regulatory work. While it may be politically expedient for the Central Valley Water Board to decrease this particular Discharger's annual fee by incorrectly applying the threat and complexity definitions in Section 2200 (e.g., to show the regulated community that the Central Valley Water Board is friendly to business in these difficult economic times), such an action decreases the amount of funding available for Board staff to perform core regulatory work. **Recommendation 1: Revise Finding 32 to change the complexity rating of the Discharger from C to B.**

Waste discharge requirements orders for land disposal typically require dischargers to design, construct, operate, and maintain all waste conveyance, treatment, storage, and disposal units to prevent inundation or washout due to floods with a 100-year return frequency. The Tentative Order is no exception (Discharge Specification B.5). These orders also typically contain a finding disclosing whether or not the Discharger's waste treatment facility and disposal area are within a 100-year flood plain. The Tentative Order does not. This makes it difficult for the reviewing public to assess whether the Discharger can comply with Discharge Specification B.5 immediately upon Order adoption. **Recommendation 2: Include a finding that identifies the Discharger's facility and disposal area relative to the 100-year flood plain. If the Discharger is unable to immediately comply with Discharge Specification B.5, include a provision establishing a time schedule for compliance.**

I offer these two recommendations in the hope that staff will revise the Tentative Order accordingly, or provide justification why staff believes the recommended changes are not warranted.

A handwritten signature in cursive script that reads "Jo Anne Kipps".

JO ANNE KIPPS  
RCE 49278