



BRACEWELL ENGINEERING, INC.

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October 12, 2006

Mr. Roger W. Briggs
Executive Officer
California Regional Water Quality
Control Board, Central Coast Region
81 Higuera St., Suite 200
San Luis Obispo, CA 93401

Attention: Surveillance Division

Re: Response to Notice of Violation, Waste Discharge Requirements Order No. R3-2003-0087, San Juan Bautista Treatment Plant, NPDES Permit CA 0047902

Dear Mr. Briggs:

On behalf of the City, I am submitting this letter in response to the above referenced Notice of Violation (NOV) letter dated September 7, 2006. The NOV requests "a comprehensive plan for managing Earthbound Farm's wastewater contribution, including an evaluation of the nature and quality of the industrial wastewater, to ensure that the discharge does not contribute to violations of [our] final effluent limits for sodium and chloride."

Background

Earthbound Farm (EBF) was exceeding their WDR capacity for disposing of wash water by irrigation. As one option to address this problem EBF approached the City to see if they had excess capacity to treat and dispose of some of their wash water effluent since the City was already taking about 8000 gpd of sanitary waste from their facility during peak processing periods. The City asked me to investigate and I called Cecile DeMartini on April 24, 2006 to ask what would be involved or if there were any particular issues if the City were to accept this wash water for up to 2 operating seasons and she said there were none that she could think of as long as it did not cause the City to violate its discharge requirements. By discharge requirements I took that to mean effluent discharge limitations. As a result, we sampled EBF's wash water on May 2, 2006 and tested for BOD, suspended solids, the various forms of nitrogen, chloride, sodium, and TDS (see attached laboratory reports). The results showed a moderate BOD level of 142 mg/L with total nitrogen about 15 mg/L, chloride and TDS levels somewhat lower than the City's influent wastewater and sodium about 50% higher than the influent wastewater. In comparison to the City's interim discharge limits, there did not appear to be a problem accepting this wash water effluent at the City's treatment plant. Since the City's average dry weather flow was about 170,000 gpd in 2005 and with no significant development plans over the next few years, the City appeared to have up to 100,000 gpd of excess capacity. As a result I notified the

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City that it seemed feasible to accept up to 80,000 to 90,000 gpd of this wash water for the proposed 1 to 2 operating seasons. The City proceeded to negotiate an agreement with EBF and started accepting the wash water effluent May 22, 2006. From my conversation with Ms. DeMartini I did not realize that accepting this wash water would not already be covered under our existing discharge permit but would instead require 180 days prior notification to the Regional Board. Had we known that, we certainly would not have proceeded without the proper formal notification and approvals.

Also, I used the interim limits in making the decision that accepting the wash water would not contribute to a violation of the plant's discharge requirements, because at the time in early May the City had been expecting that the Cease and Desist Order (CDO), due to expire in July, would be extended based on a meeting on February 2, 2006 in San Juan Bautista with Board staff. At that meeting Jennifer Coile (then City Manager), Mark Davis (City consultant for the surface water treatment plant grant), a City Councilman (can't be sure who it was - Mark do you remember?), and myself, met with Matthew Keeling and Cecile DeMartini during which the expiration of the CDO was discussed. At the meeting Board staff indicated to the City that something would have to be done about the expiration of the CDO and left the City with the understanding that Board staff were going to get back to the City if the City needed to take any action regarding the expiration of the CDO. At no time was any mention made that the City needed to file a request to get on the Board's agenda to request an extension of the CDO prior to its expiration. Thus it was only in June when we found out that the CDO was not going to be extended and by then it was too late to get on the Board agenda to try to get the CDO extended ourselves.

Management Plan to Prevent Earthbound Farm Discharge Contributing to Violations

Once we knew the final discharge limits were going to be in effect in mid July 2006, an analysis of the impact of the wash water on the treatment plant's discharge requirements still did not seem to be an issue. Based on the historical record, it was clear the treatment plant would not meet an effluent chloride limit of 200 mg/L particularly during the summer months (see Table 1). The expectation though was that with EBF's chloride level of 220 mg/L compared to the average chloride level in the City's influent wastewater of 274 mg/L in the summer of 2005, that accepting the discharge would actually dilute the chloride level in the City's wastewater. Although this dilution could not bring the City's discharge into compliance with the final chloride limit the hope was it would at least help to reduce the level of the violation from serious to chronic as it relates to the Mandatory Penalties rule. Still, the incremental impact on the chloride level in the City's wastewater was not going to be large since EBF's discharge was averaging about 60,000 gpd out of a total flow at the treatment plant of about 260,000 gpd or about 23% of the total flow.

To verify the impact of accepting the wash water on the plant's discharge standards, we recently collected additional wash water effluent samples and tested for sodium and chloride and added the results to Table 1. The additional testing of the EBF wash water effluent confirmed the chloride level measured in the spring and showed the average sodium level to be about 10% lower. Table 1 also shows influent and effluent sodium and chloride levels and influent TDS levels at the plant from the summers of 2005 and 2006. The interim and final discharge limits are also shown for comparison.

- Chloride

As can be seen from Table 1, as expected, the average influent wastewater chloride level this summer is about 8% lower than last summer. Comparing effluent chloride levels from last summer to this shows an average decrease of 13% as the average chloride level in June and September 2005 was 316 mg/L and in June and September 2006 was 274 mg/L. Thus accepting the wash water did help to reduce the level of exceedance for effluent chlorides. Last summer using the final limit for chloride, the limit would have been exceeded on average by 58% which is greater than the threshold 40% criteria used under the Mandatory Penalties rule to establish a serious violation. However, this summer the level of exceedance would have been reduced to 37% which is less than the 40% threshold and would thus be considered a lesser chronic violation under the Mandatory Penalties rule.

- Sodium

Comparing the influent sodium level from last summer to this shows the sodium concentration increased by about 28%. However, comparing effluent sodium levels from last summer to this summer shows only an average increase of 8% as sodium was measured at 204 mg/L in June 2005 and 218 mg/L in September 2005 and 228 mg/L in both June and September 2006. Thus compliance with the final sodium limit was not affected by the acceptance of the EBF wash water.

- TDS

Comparing the influent TDS level from last summer to this summer shows the TDS concentration decreased by about 1% as would be expected since the EBF TDS level is about 10% lower than the influent wastewater from 2005.

In conclusion, based on the previous analysis accepting the wash water effluent from Earthbound Farm has not contributed to exceedances of the treatment plant's effluent discharge limitations. Effluent sodium and TDS levels remain in compliance and effluent chloride levels were going to

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exceed the final effluent limitation without accepting any EBF wash water effluent but by accepting the wash water the severity of the chloride exceedance has been reduced by 21%.

Once the new surface water treatment system is supplying water to the City in 2008, the treatment plant's effluent chloride level is projected to be about 140 mg/L and in compliance with the final effluent chloride limit of 200 mg/L. Although the agreement to accept wash water from EBF does not currently extend past 2007, if that option was to be considered, accepting 80,000 gpd of EBF's wash water at 220 mg/L of chloride in 2008 would not cause the City to violate the chloride limit as the incremental increase in chloride level would be about 23 mg/L assuming a City wastewater flow rate of 200,000 gpd.

Also, as part of the City's Management Plan for maintaining adequate control of and oversight over the industrial wash water discharge from EBF or any other industrial discharger that should locate in the City, the City will adopt EPA's Model Pretreatment Program and include it as part of their Sewer Use Ordinance this year.

If you require any further information regarding this response to the Notice of Violation, please do not hesitate to contact me.

Respectfully submitted,
BRACEWELL ENGINEERING, INC.



Lloyd W. Bracewell, PhD, RCE
Plant Engineer

cc: City of San Juan Bautista
BEI Office

TABLE 1

Treatment Plant Influent and Effluent and Earthbound Farm Wash Water
Chloride, Sodium, and TDS - 2005 and 2006
San Juan Bautista WWTP

Date	SJB Influent		SJB Effluent		SJB Influent		SJB Effluent		EBF Influent		EBF Effluent	
	Chloride mg/L	Sodium mg/L	Chloride mg/L	Sodium mg/L	Chloride mg/L	Sodium mg/L	Chloride mg/L	Sodium mg/L	Chloride mg/L	Sodium mg/L	Chloride mg/L	Sodium mg/L
06/08/05	172	138	302	204	992							
07/06/05	308	182			1136							
08/09/05	226	154			1016							
09/06/05	304	158	329	218	1216							
10/11/05	360	158			1348							
05/02/06												
05/11/06	298	216			1096			220	276			1084
06/07/06	176	167	272	228	940							
07/12/06	192	192			1168							
08/16/06	254	206			1288							
09/06/06	346	234	276	228	1144							
09/29/06										224	244	
10/02/06										220	246	
10/03/06										226	254	
10/04/06										216	254	
10/05/06										206	226	
10/06/06										218	243	
Average	264	181	295	220	1134			219	249			1084
Avg 2005	274	158	316	211	1142							
Avg 2006	253	203	274	228	1127							
Interim Limits	350	350	350	350	1400							
Final Limits	200	250	200	250	1400							