



**California Regional Water Quality Control Board  
Central Coast Region**



**Linda S. Adams.**  
*Secretary for  
Environmental Protection*

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**Arnold Schwarzenegger**  
*Governor*

September 7, 2006

**CERTIFIED MAIL: 7005 0390 0001 7419 9788**

Ms. Janice McClintock  
City of San Juan Bautista  
P.O. Box 1420  
311 Second Street  
San Juan Bautista, CA 93401

**RE: NOTICE OF VIOLATION, WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2003-0087, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. CA0047902; CITY OF SAN JUAN BAUTISTA WASTEWATER TREATMENT PLANT, SAN JUAN BAUTISTA, SAN BENITO COUNTY**

Dear Ms. McClintock:

On June 5, 2006, Water Board staff received the Natural Selection Foods Inc. (DBA Earthbound Farm) self monitoring annual report for 2005. The report stated, "Earthbound Farm was currently working on a number of specific water related projects that would have significant impact on their quantity and quality of discharge. Those projects include entering into an agreement with the City of San Juan Bautista to discharge process wastewater into their public sanitary sewer system at a volume up to about 100,000 gallons per day."

On July 10, 2006, Water Board staff received a Notice of Intent from Earthbound Farm stating all sanitary wastewater plus up to 100,000 gallons per day of process wastewater are pumped to the City of San Juan Bautista treatment plant for processing and disposal. On August 1, 2006, you stated in an email to Water Board staff that the City of San Juan Bautista entered into a contract with Earthbound Farm to accept some of their industrial wastewater. You further stated the City of San Juan Bautista obtained the proper permits to do this for up to 90,000 gallons per day. Concurrently, during the week of August 1, 2006, Mr. Joe Torquato informed Water Board staff that the Earthbound Farm facility began diverting a portion (approximately 20,000 gallons per day) of its industrial wastewater in early July 2006 to the City of San Juan Bautista Wastewater Treatment Plant (WWTP).

Pursuant to Waste Discharge Requirements (WDRs) Order No. R3-2003-0087, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047902 discharge of waste not regulated by said permit is a violation of the California Water Code, Division 7, sections 13376 and 13377. Section 4 'Facility Description - Treatment Facility' of the WDRs describes the wastewater as primarily domestic

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wastewater from residential and commercial discharges with no discharges of industrial wastewater to the collection and treatment system. Discharge prohibition A.2 of the WDRs states, "The discharge of any waste not specifically regulated by this Permit is prohibited." Additionally, Standard Provisions and Reporting Requirements for NPDES Permits section C.8 requires the City of San Juan Bautista (hereafter "Discharger") to inform the Water Board 180 days before making any material change in the character, location, or plume of the discharge. Based on correspondence with Earthbound Farm and the Discharger, industrial wastewater was received by the Discharger as early as July 10, 2006. The Discharger did not give 180 day notice to the Water Board of the acceptance of Earthbound Farm's industrial wastewater.

If the city has violated provisions of its NPDES permit, the Water Board may impose civil liability pursuant to California Water Code Section 13385. California Water Code section 13385(c)(1) allows the Water Board to assess a penalty of up to ten thousand dollars (\$10,000) for each day in which the violation occurs.

Acceptance of wastewater from an indirect discharger may require the Discharger to develop a Pretreatment Program. As provided in §403.8(a) of the Code of Federal Regulations, "The Regional Administrator or Director may require that a POTW [Publicly Owned Treatment Works] with a design flow of 5 million gallons per day or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference with the POTW or Pass Through." Based on Earthbound Farm's 2005 annual reported effluent concentrations for sodium [276 milligrams per liter (mg/L)] and chloride (220 mg/L), we believe that acceptance of industrial wastewater discharge from the Earthbound Farm facility may make it difficult for the city to meet its final sodium (250 mg/L) and chloride (200 mg/L) discharge effluent limits which became effective on July 13, 2006.

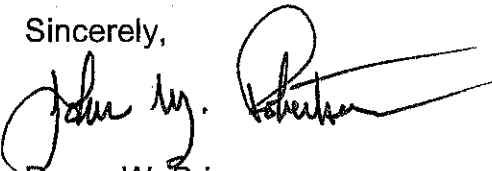
Please provide a comprehensive plan for managing Earthbound Farm's wastewater contribution, including an evaluation of the nature and quality of the industrial wastewater, to ensure that the discharge does not contribute to violations of your final effluent limits for sodium and chloride. This submittal is due no later than **45 days** from the date of this letter. The Water Board's requirement for this information is made pursuant to Sections 13267 and 13376 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of a requirement made pursuant to Water Code Section 13267 may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs. Pursuant to Section 13268 of the Water Code, a violation of a requirement made pursuant to Water Code Section 13376 may subject you to civil liability of up to \$10,000 per day for each day in which the violation occurs.

The Water Board requires this information in order to ensure compliance by the Discharger with its WDRs. You are required to submit this information because of the nature of the industrial influent that has the potential to violate the facility's effluent limitations, contaminate municipal sludge, or other circumstances that threaten water quality. Information that is more detailed is available in the Water Board's public file on this matter.

Any person affected by this action of the Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this letter. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have questions, please call **Cecile DeMartini** at (805) 542-4782 or John Robertson at (805) 542-4630.

Sincerely,

  
FOR Roger W. Briggs  
Executive Officer

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cc:

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