

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2017-0012

CEASE AND DESIST ORDER  
REQUIRING  
HARRIS RANCH BEEF COMPANY  
SELMA BEEF PROCESSING PLANT  
FRESNO COUNTY  
TO CEASE AND DESIST FROM  
DISCHARGING WASTE CONTRARY TO REQUIREMENTS

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

1. Harris Ranch Beef Company (hereafter Harris Ranch or Discharger) owns and operates its Selma Beef Processing Plant (Plant) at 16277 South McCall Avenue about 4 miles south of the community of Selma in Fresno County. The existing Harris Ranch property is situated on about 140 acres (does not include the 100 acres proposed for use as a land application area) with the processing Plant buildings on about 45 acres.
2. The property has a long history of use as a beef processing facility with meat processing activities conducted at the site since the early 1900's. Fresno County records show that the Plant was operated by a company doing business as the "Selma Dressed Beef Company" in 1953. Beef processing wastewater has been discharged to surrounding land application areas for about 100 years and the discharge has degraded and polluted groundwater beneath and downgradient of the land application areas with salts and nitrate as nitrogen.
3. Wastewater is generated from the beef processing and the cleaning of equipment. The Plant typically processes about an average of 800 to 900 cattle per day and up to 6,300 cattle per week, and also provides finish processing of deli pork (about 780,000 pounds annually) and turkey (about 4 million pounds annually) as well, but those animals are not slaughtered on site. Plant operations are 5 to 7-days a week year round.
4. The Plant is regulated by Waste Discharge Requirements (WDRs) Order 90-183 that limits the discharge to 1.0 million gallons per day (mgd). The average flow rate in 2015 was 0.55 mgd, which is significantly lower than historical values. Pre-treatment currently consists of screening of solids prior to discharge of wastewater to three, 1.38-acre facultative wastewater retention/evaporation/percolation ponds (clay-lined West, and unlined Middle and East Ponds) for further settling and decomposition. Wastewater is then recycled to ~86-acres of surrounding farmland (~74 acres south of the facility, ~12 acres east)
5. The land application areas in 1990 consisted of about 86 acres. The discharge of beef processing wastewater to the unlined effluent storage ponds and the land application areas has contributed to pollution/degradation of the underlying groundwater with nitrate as nitrogen and salts. WDR Order 90-183 is outdated and does not reflect the current operations or discharges from the Plant.

6. Harris Ranch submitted a Report of Waste Discharge (RWD) for the Selma Processing Plant in November 2015. The RWD describes Harris Ranch's existing discharge and proposes to add 100 acres to the existing 86-acre land application areas. The RWD includes Harris Ranch's proposal to build wastewater treatment system to remove/pretreat the wastewater for nitrogen removal and control the salt load of its discharge. Harris Ranch is proposing pretreatment of the wastewater to remove nitrogen (denitrification) from the effluent using a three phased approach as follows:

- Phase 1 - Construction of a pretreatment system that will use coagulants and a dissolved air flotation (DAF) unit to remove/recover marketable grease and proteins.
- Phase 2 - Construction of an anaerobic biological treatment system consisting of a lined anaerobic lagoon that will be covered to collect the biogas produced by the lagoon. Construction of secondary and tertiary treatment systems to treat effluent prior to discharge to the land application areas. The system will include in part anoxic (denitrification) and aerobic treatment in tanks and solids separation, processing, and offsite disposal.
- Phase 3 - Construction of a lined effluent storage lagoon.

**Wastewater Characteristics**

7. Harris Ranch effluent quality is summarized in the following table. Influent samples are collected prior to the discharge to the effluent ponds. Effluent samples are collected from the East Pond prior to discharge to the land application area. The influent and effluent quality for biochemical oxygen demand (BOD), electrical conductivity (EC), total dissolved solids (TDS), fixed dissolved solids (FDS), total nitrogen, and ammonia from January 2013 through June 2016 is summarized in the following table. The EC results are from weekly sampling events; the BOD results are from twice-monthly sampling events; and the TDS, FDS, total nitrogen, and ammonia results are from monthly sampling events. The upper number is the average and the range is shown below in parentheses.

**Influent and Effluent Results**

<u>Constituents</u>	<u>Units</u> <sup>1</sup>	<u>Influent</u>	<u>Effluent</u>
Electrical Conductivity	umhos/cm	2,056 (1,352 – 2,815)	2,143 (1,647 – 2,567)
Total Dissolved Solids	mg/L	1,344 (590 – 3,500)	720 (510 - 960)
Fixed Dissolved Solids	mg/L	514 (110 – 1,110)	547 (260 – 780)
Nitrate as Nitrogen	mg/L	0.4 (ND <sup>2</sup> – 1.4)	0.1 (ND <sup>2</sup> – 0.1))
Total Kjeldahl Nitrogen	mg/L	200 (63 – 430)	185 (120 – 240)

<u>Constituents</u>	<u>Units</u> <sup>1</sup>	<u>Influent</u>	<u>Effluent</u>
Ammonia	mg/L	51 (11 – 200)	171 (87 – 260)
Total Nitrogen	mg/L	200 (63 – 430)	184 (120 – 250)
Biochemical Oxygen Demand	mg/L	1,834 (495 – 4,600)	75 (33 – 220)
Sodium	mg/L	NA <sup>3</sup>	164 (110 – 250)
Chloride	mg/L	NA <sup>3</sup>	113 (88 – 170)
Alkalinity	mg/L	NA <sup>3</sup>	899 (660 – 1200)
Bicarbonate	mg/L	NA <sup>3</sup>	872 (610 – 1,200)
Hardness	mg/L	NA <sup>3</sup>	118 (96 – 140)

1. umhos/cm = micromhos per centimeter, mg/L = milligram.  
 2. ND = Not detected by the laboratory above the practical quantitation limit.  
 3. NA = Not analyzed.

8. The discharge of beef processing wastewater has contributed to the exceedance of water quality objectives of the underlying groundwater with salts and nitrate as nitrogen. Using the data presented in the previous table and the average flow rate since 2013 of 0.64 mgd, Central Valley Water Board staff prepared loading estimates that indicate:
  - BOD loading - ~ 4 pounds per acre per day (lbs/ac/day);
  - Salt loading using the FDS - ~ 7,500 pounds per acre per year (lbs/ac/yr);
  - Nitrogen Loading - ~ 2,600 lbs/ac/yr of nitrogen.
9. BOD loading is very low, but the elevated salt and nitrogen loadings have likely contributed to the exceedance of the water quality objectives for nitrate as nitrogen and salts that is observed in the underlying groundwater.
10. The land application areas currently consist of about 86 acres of land broken into an approximately 74 and 12 acre parcels. The land application areas are planted with Sudan grass and winter forage crops.

### **Waste Discharge Requirements Order 90-183**

11. WDRs Order 90-183 limits the monthly average flow of beef processing wastewater to a maximum of 1.0 mgd. The average discharge in 2015 was 0.55 mgd, which is well within the existing flow limit of 1.0 mgd.

12. Order 90-183 specifies, in part, the following:

**B. Discharge Specifications**

\* \* \*

"2. The maximum specific electrical conductance (EC) of the discharge shall not exceed the average EC of the water supply plus 500 umhos/cm, or a maximum of 900 umhos/cm, whichever is less."

\* \* \*

"5. BOD and nitrogen loading of the adjacent pasture land and vineyards from reclamation of wastewater shall not exceed the agronomic capacity of the soil and crops."

\* \* \*

**C. Receiving Water Limitations**

\* \* \*

"The discharge, in combination with other sources, shall not cause the underlying groundwater to:

1. Exceed an annual average incremental increase in specific electrical conductivity greater than 4 umhos/cm, based on the most recent five-year period, or a maximum of 900 umhos/cm."

\* \* \*

"2. Contain chemicals, heavy metals, or trace elements in concentrations that adversely affect beneficial uses or exceed maximum contaminant levels specified in the California Code of Regulations, Title 22, Division 4, Chapter 15."

\* \* \*

"5. Contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses."

\* \* \*

13. In addition, WDRs Order 90-183, Provision D.4 states in part that:

The Discharger shall comply with "Standard Provisions and Reporting Requirements for Waste Discharge Requirements," dated 1 February 1990.

Standard Provisions and Reporting Requirements for Waste Discharge Requirements, 1 February 1990 specifies in part, the following:

**A. General Provisions**

\* \* \*

"11. Neither the treatment nor the discharge shall create a condition of nuisance or pollution as defined by the California Water Code, Section 13050."

\* \* \*

**Waste Discharge Requirements Order R5-2017-0021**

14. The November 2015 RWD submitted by Harris Ranch proposes an annual discharge of less than 1.0 million gallons to the currently 86 acre land application area, and then to the expanded 186 acre land application area upon completion of CEQA activities and construction of the proposed wastewater treatment facility.

15. On 24 February 2017, the Central Valley Water Board adopted WDRs Order R5-2017-0021. WDRs Order R5-2017-0021 specifies, in part, the following:

**A. Discharge Prohibitions:**

\* \* \*

"4. Discharge of wastewater in a manner or location other than that described in the report of waste discharge and herein is prohibited."

\* \* \*

**B. Effluent Limitations**

\* \* \*

"3. The Discharger shall demonstrate, measured at EFF-001, that the monthly average concentration of total nitrogen in the Harris Ranch discharge will be protective of the underlying groundwater, considering the crop, soil, climate, and the irrigation management system in place."

\* \* \*

**C. Discharge Specifications:**

\* \* \*

"1. No waste constituent shall be released, discharged, or placed where it will be released or discharged, in a concentration or in a mass that causes violation of the Groundwater Limitations of this Order.

2. Wastewater treatment, storage, and disposal shall not cause pollution or a nuisance as defined by Water Code section 13050."

\* \* \*

**D. Groundwater Limitations**

- "1. Contain nitrate as nitrogen, EC, and/or TDS in concentrations statistically greater than the upgradient groundwater quality as measured in the Harris Ranch upgradient groundwater monitoring well MW-2. MW-2 will be replaced with a new upgradient well proposed near the northeast corner of the new 100-acre land application area, at which time the new well or wells will replace MW 2 as background well/wells.
2. With the exception of nitrate and nitrogen, EC, and/or TDS, as noted in Groundwater Limitation D.1 above, contain waste constituents in concentrations in excess of the water quality objectives for the constituents identified in Title 22."

\* \* \*

**E. Land Application Area Specifications:**

\* \* \*

"2. Application of waste constituents to the land application areas shall be at reasonable agronomic rates to preclude creation of a nuisance and unreasonable degradation of groundwater, considering the crop, soil, climate, and irrigation management system. The annual nutritive loading of the land application areas, including the nutritive value of organic and chemical fertilizers and of the wastewater and nutrients in applied irrigation water and available in the root zone shall not exceed the annual crop demand."

\* \* \*

"3. The discharges to the land application areas will not exceed a BOD daily cycle average loading rate of 50 lbs/ac/day at any time. Compliance with this limit shall be determined by using the average of the last months (twice-monthly sampling frequency) effluent BOD monitoring results."

\* \* \*

**Groundwater Degradation/Pollution**

16. Harris Ranch currently monitors a four-well first encountered groundwater monitoring network. The wells range in depth from 85 feet below the ground surface (bgs) in MW-1,

to 95 feet bgs for MW-2 through MW-4. MW-1 is reported to have 50 foot screened interval, while MW-2 through MW-4 have 40 foot screened intervals. MW-1, MW-3, and MW-4 were installed as downgradient wells and MW-2 as an upgradient well. MW-3 is set next to a storm water retention basin that affects the quality of the underlying groundwater.

17. The direction of groundwater flow is typically to the southwest and the depth to groundwater in the vicinity of the Plant ranges typically from about 80 to 90 feet bgs.
18. Groundwater monitoring averages of select constituents through May 2016 are summarized in the following table. The upper number is the average and the range is shown below in parentheses.

**GROUNDWATER QUALITY**

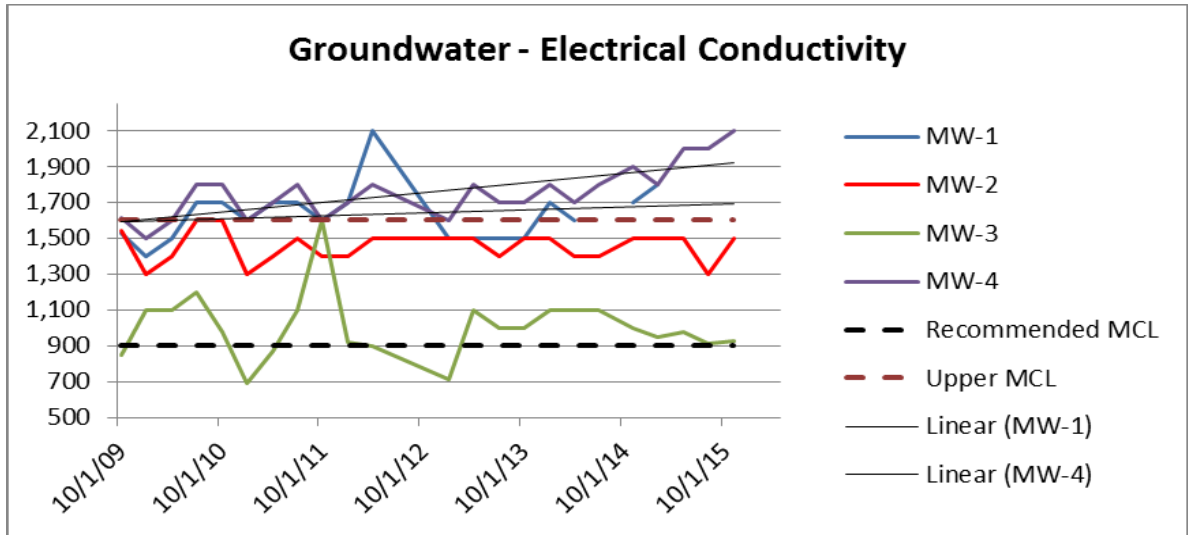
Well	Electrical Conductivity umhos/cm <sup>1</sup>	Nitrate as Nitrogen mg/L <sup>2</sup>	Chloride mg/L <sup>2</sup>	Sodium mg/L <sup>2</sup>	Total Dissolved Solids mg/L <sup>2</sup>
MW-1	1,633 (1400 – 2100)	60.7 (32.0 – 73.0)	82 (69 – 113)	107 (88 – 130)	1,140 (1000 – 1500)
MW-2	1,454 (1300 – 1600)	24.5 (20.0 – 29.0)	73 (60 – 92)	137 (110 – 198)	986 (780 – 1100)
MW-3	1,001 (690 – 1600)	30.9 (13.9 – 53.6)	35 (18 – 81)	75 (59 – 98)	680 (450 – 1100)
MW-4	1,776 (1500 – 2000)	67.9 (32.4 – 97.0)	99 (68 – 160)	145 (97 – 167)	1,195 (930 – 1600)
<b>MCLs<sup>3</sup></b>	900/1600/2200	10	250/500/600	---	500/1000/1500

1. umhos/cm = micromhos per centimeter.

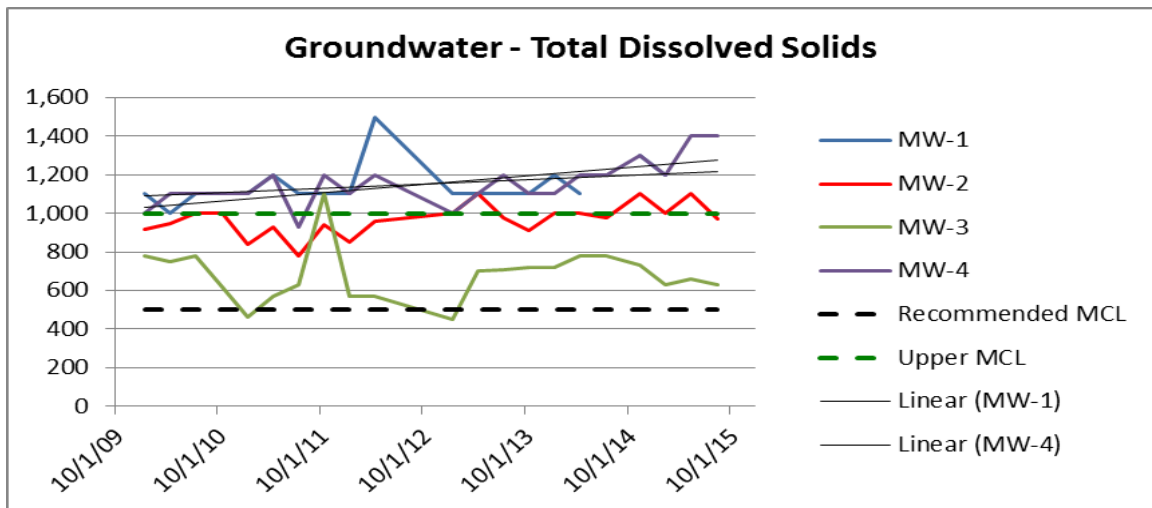
2. mg/L = milligrams per liter.

3. MCLs = maximum contaminant level. The MCL for nitrate as nitrogen is a Primary MCL and it has one numerical limit. The MCLs for electrical conductivity, chloride, and total dissolved solids are Secondary MCLs or “Consumer Acceptance Contaminant Level Ranges” and three different values are shown as the limits. The first number is the “Recommended” MCL, while the second number is the “Upper” MCL, and the third number is the “Short term” MCL.

19. The groundwater quality results demonstrate the following:
  - a. The average EC concentrations in all of the wells exceed the “recommended” Secondary MCL for EC of 900 micromhos per centimeter (umhos/cm). The average results from downgradient MW-1 and MW-4 exceed the “upper” Secondary maximum contaminant level (MCL) of 1,600 umhos/cm. However, the average EC from upgradient MW-2 averages 1,454 umhos/cm, which exceeds the recommended Secondary MCL for EC of 900 umhos/cm and is just below the upper Secondary MCL of 1,600 umhos/cm. The results from MW-2 represent the quality of the underlying groundwater as it arrives at the upgradient edge of the Harris Ranch property and indicates an offsite source is contributing to the quality of the first encountered groundwater. The downgradient wells MW-1 and MW-4 have EC values that average approximately 180 to 300 umhos/cm higher than the EC results from upgradient MW-2. The results are slowly increasing in downgradient MW-1 and MW-4, but are stable in upgradient MW-2 as shown in the following graph.

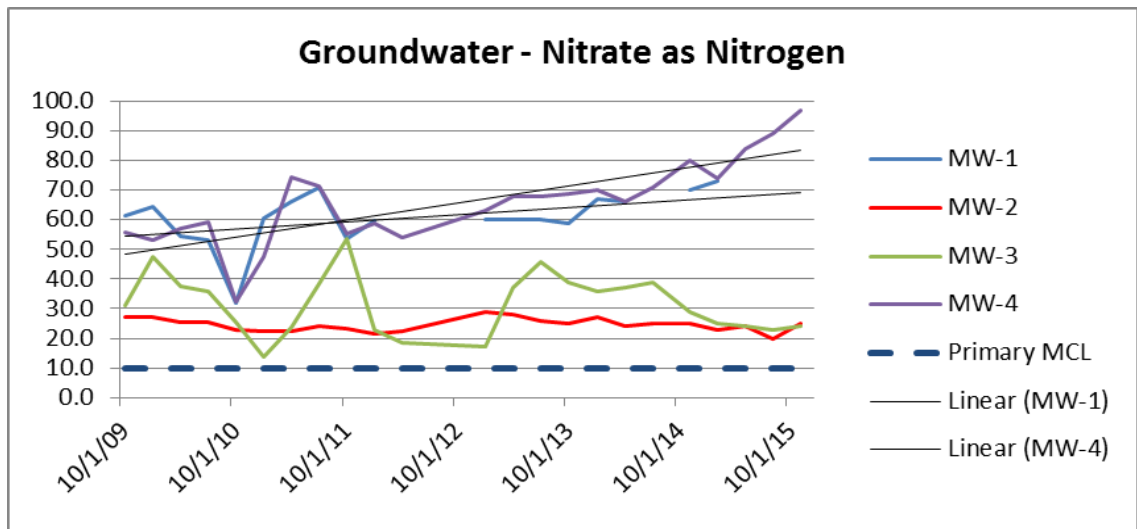


- b. The average TDS results exceed the “recommended” Secondary MCL of 500 milligrams per liter (mg/L) in all four wells. The average TDS results from the downgradient MW-1 and MW-4 exceed the upper MCL of 1,000 mg/L, but are less than the short term MCL for TDS of 1,500 mg/L. The TDS values reported from upgradient MW-2 also exceed the recommended MCL of 500 mg/L, and are just below the upper MCL of 1,000 mg/L averaging 986 mg/L. Downgradient results in MW-1 and MW-4, average about 150 to 200 mg/L higher than the average TDS result observed in upgradient MW-2.



- c. The average nitrate as nitrogen concentrations exceed the Primary MCL of 10 mg/L, in all of the Harris Ranch groundwater monitoring wells. The average result from upgradient MW-2 is 25 mg/L or 2.5 times the Primary MCL of 10 mg/L. The average nitrate as nitrogen concentrations since October 2009 in downgradient MW-1 and MW-4 is 61 and 68 mg/L, respectively. That’s more than two times the average

nitrate as nitrogen results reported from upgradient MW-2 and six times the Primary MCL of 10 mg/L and constitutes a condition of pollution. Additionally, the nitrate as nitrogen result from MW-4 for the fourth quarter 2015 was 97 mg/L, and the average nitrate as nitrogen result from MW-4 in 2015 was 86 mg/L, more than eight times the MCL of 10 mg/L. The nitrate as nitrogen results from MW-1 and MW-4 indicate an increasing trend while the results from upgradient MW-2 are stable as shown on the following graph.



20. Reviewing the upgradient and downgradient groundwater results indicates that the higher concentrations of EC, TDS, and nitrate as nitrogen, observed in downgradient monitoring wells MW-1 and MW-4 are at least in part due to the result of the Harris Ranch discharge to the land application areas. To further assess if the elevated concentrations in groundwater are from regional or offsite sources, regional groundwater results were reviewed. Regional groundwater data is available on the Water Quality Portal web site, a cooperative service provided by the United States Geological Survey (USGS), the Environmental Protection Agency, and the National Water Quality Monitoring Council. Thirteen wells are reported to be within a five mile radius of the Plant, with four being within two miles of the plant. One well, USGS well 363106119372002, is 1.5 miles northwest of the Plant. It is set at the exact same depth, 85 feet bgs, as is MW-1. The results of the sampling of USGS well 363106119372002 in 1994 and 2001 are shown in the following table.

**Regional Groundwater Quality - USGS Well 363106119372002**

<u>Date Sampled</u>	<u>Electrical Conductivity</u> umhos/cm <sup>1</sup>	<u>Total Dissolved Solids</u> mg/L <sup>2</sup>	<u>Nitrate as Nitrogen</u> mg/L <sup>2</sup>	<u>Sodium</u> mg/L <sup>2</sup>	<u>Sulfate</u> mg/L <sup>2</sup>
1994	969	639	20	71	64
2001	1,570	1,010	29	82	175
MCLs	900/1600/2200	500/1000/1500	10	---	250/500/600

<sup>1</sup>. umhos/cm = micromhos per centimeter.



2. mg/L = milligrams per liter.

3. MCLs = Maximum contaminant level. The MCL for nitrate as nitrogen is a Primary MCL and it has one numerical limit. The MCLs for electrical conductivity, total dissolved solids, and sulfate are Secondary MCLs or "Consumer Acceptance Contaminant Level Ranges" and three different values are shown as the limits. The first number is the "Recommended" MCL, while the second number is the "Upper" MCL, and the third number is the "Short term" MCL.

21. The values in USGS well 363106119372002 increased from 1994 and the results reported in 2001 are nearly identical (slightly higher) to the current average results from MW-2 and suggest an offsite source is affecting the quality of the groundwater in the region. The nitrate as nitrogen content in 1994 was 20 mg/L, twice the Primary MCL of 10 mg/L, and increased to 29 mg/L in 2001. The surrounding area is now predominantly agricultural, with some urban residential interspersed. The Selma-Kingsburg-Fowler regional wastewater treatment facility is about 1.5 miles northeast and upgradient of the Plant. About another 1.5 miles beyond the SKF WWTF (~ 3 miles from the Plant) there are several industrial dischargers that discharge process wastewater to land and or ponds that may be contributing to the offsite groundwater quality.
22. Comparing the results from the Harris Ranch downgradient monitoring wells to upgradient and regional groundwater results indicates that while water quality is also affected by an unknown and offsite source, the discharge of beef processing wastewater to the land application areas has contributed to the polluted/degraded groundwater with nitrate as nitrogen, EC, and TDS.

### **Non-Compliance - WDRs Order 90-183**

23. The information discussed herein indicates that the discharge of beef processing wastewater has violated Discharge Specifications B.2 and B.5 of WDR 90-183, and the discharge has not complied with General Provision A.11 of the Standard Provisions and Reporting Requirements for Waste Discharge Requirements, February 1990. The reasons for non-compliance with Discharge Specifications B.2 and B.5 of WDR 90-183, and with General Provision A.11 of the Standard Provisions and Reporting Requirements for Waste Discharge Requirements, February 1990, are listed as follows:
  - Nitrate as nitrogen has averaged from 60.7 to 67.9 mg/L since 2009 in downgradient wells MW-1 and MW-4, respectively, while upgradient nitrate as nitrogen values from MW-2 have averaged 24.5 mg/L. The sample collected from MW-4 in the Fourth Quarter 2015 had a nitrate as nitrogen concentration of 97 mg/L and the average nitrate as nitrogen result in 2015 was 86 mg/L. Downgradient nitrate as nitrogen averages are more than twice than the nitrate as nitrogen results reported from upgradient MW-2, and are more than six times the Primary MCL of 10 mg/L. In 2015, nitrate as nitrogen in MW-4 averaged 86 mg/L, over 8 times more than the MCL of 10 mg/L. Discharge Specification B.5 of Order 90-183 states "*BOD and nitrogen loading of the adjacent pasture land and vineyards from reclamation of wastewater shall not exceed the agronomic capacity of the soil and crops.*" The discharge of beef processing wastewater has contributed to downgradient groundwater exceeding water quality objectives for nitrate as nitrogen at levels far greater than the Primary MCL of 10 mg/L and threatens the underlying groundwater beneficial use as a Municipal water supply.

24. The information presented herein indicates that the discharge has violated Receiving Water Limitations C.1 and C.3 of WDR Order 90-183. The reasons for non-compliance with Groundwater Limitations C.1 and C.3 of WDR Order 90-183 are listed as follows:
- Upgradient groundwater quality is of better water quality than the water quality in the Harris Ranch downgradient wells that typically exceed the MCLs for EC, TDS, and nitrate as nitrogen. The groundwater results indicate the discharge of beef processing wastewater to the land application areas has contributed to the degradation of the underlying groundwater with EC and TDS. While the EC and TDS results from upgradient MW-2 are in excess of the recommended MCLs of 900 umhos/cm for EC, and 500 mg/L for TDS and indicate an offsite source is degrading groundwater quality, the EC and TDS results from downgradient MW-1 and MW-4 are higher than those reported from MW-2 and the averages from MW-1 and MW-4 exceed the "Upper" Secondary MCLs of 1,600 umhos/cm and 1,000 mg/L for EC and TDS, respectively. The average EC of the discharge is about 2,000 umhos/cm and exceeds the recommended MCL for EC of 900 umhos/cm, and the Upper MCL of 1,600 mg/L and threatens the beneficial use of the underlying groundwater for use as a domestic water supply.
  - The groundwater results indicate the discharge of beef processing wastewater to the land application areas has contributed to the exceedance of water quality objectives for nitrate as nitrogen in the underlying groundwater. The results from both MW-1 and MW-4 exceed the Primary MCL of 10 mg/L, are considerably higher (nitrate as nitrogen from MW-4 in May 2016 was 92 mg/L), than the results reported from upgradient MW-2 (nitrate as nitrogen was 24 mg/L in May 2016). The discharge of beef processing wastewater to land has contributed to and caused the exceedance of the water quality objective for nitrate as nitrogen and the impairment of the beneficial use of the underlying groundwater for use as a domestic water supply.

#### **Non-Compliance - WDRs Order R5-2017-0021**

25. The effluent results presented in CDO Order R5-2017-0012 in Findings 7 and 8 indicate that the discharge under WDRs Order R5-2017-0021 will continue to violate or threaten violation of Effluent Limitation B.2; Discharge Specifications C.1 and C.2; Groundwater Limitations D.1, D.2 and D.3; and Land Application Area Specification E.2 of WDRs Order R5-2017-0021. The reasons for the threatened non-compliance with Discharge Specifications C.1 and C.2; Groundwater Limitations D.1, D.2 and D.3; and Land Application Area Specification E.2 of WDRs Order R5-2017-0021 are as follows:
- The historic discharge of beef processing wastewater to the land application areas has contributed to the pollution of the underlying groundwater with nitrate as nitrogen as currently observed in downgradient monitoring wells MW-1 and MW-4. Current total nitrogen concentrations in the effluent average 175 mg/L. The continued discharge of wastewater to the land application areas with average total nitrogen value of 175 mg/L is not in compliance with Effluent Limitation B.2; Discharge Specifications C.1 and C.2; Groundwater Limitations D.1 through D.3;

and threatens the quality of underlying groundwater. The estimated nitrogen loading rate for the current discharge to the 86-acre land application area is estimated to be over 2,600 pounds per acre per year (lbs/ac/yr), which is far greater than the ability of any crop grown to utilize the available nitrogen. Nitrogen loading at this rate will violate Land Discharge Specification E.2 and will continue to threaten the quality of the underlying groundwater and violation of Discharge Specifications C.1 and C.2.

26. Water Code section 13301, states, in part, that:

When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.

27. Water Code section 13267, states, in part, that:

(a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirements or authorized by this division, may investigate the quality of any waters of the state within this region.

(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

28. The technical reports required by this Order are necessary to ensure compliance with the Cease and Desist Order and Waste Discharge Requirements, and to assure protection of the public health and safety. The Discharger operates the facility that discharges the waste subject to this Order.

29. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to California Code of Regulations, title 14, section 15321(a)(2).

30. On 24 February 2017, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order.

**IT IS HEREBY ORDERED** that, pursuant to sections 13301 and 13267 of the California Water Code, Harris Ranch Beef Company, its agents, successors, and assigns, shall:

1. Cease and desist discharging wastes in violation and threatened violation of WDRs Order R5-2017-0021.
2. The Discharger shall comply with WDRs Order R5-2017-0021, Effluent Limitations B.1, B.2, and B.3, Discharge Specifications C.1 and C.2, and Land Application Area Specification E.2 in accordance with the following compliance schedule:

<b><u>Task</u></b>	<b><u>Task Description</u></b>	<b><u>Due date</u></b>
a.	Prepare and submit a new Conditional Use Permit to Fresno County.	<b>24 August 2017</b>
b.	Conduct CEQA evaluation. Approval of CEQA Process.	<b>24 August 2018</b>
c.	Begin irrigation of new 100-acre land application area (along with existing 86 acre land application area).	<b>26 February 2018</b>
d.	Complete Phase I (DAF - Pretreatment) construction.	<b>25 February 2019</b>
e.	Complete Phase II (Anaerobic lagoon, activated sludge, and biogas reuse) construction.	<b>24 February 2021</b>
f.	Complete Phase III (Storage lagoon).	<b>24 February 2022</b>

3. The Discharger shall comply with WDRs Order R5-2017-0021, Groundwater Limitations D.1 and, D.2 in accordance with the following compliance schedule:

<b><u>Task</u></b>	<b><u>Task Description</u></b>	<b><u>Due date</u></b>
a.	Submit a work plan and time schedule that identifies the methods proposed for assessing the horizontal and vertical extent of elevated EC, TDS, and nitrate as nitrogen concentrations in groundwater beneath and downgradient of the Harris Ranch Land Application Areas.	<b>26 February 2018</b>

b.	Submit a technical report that describes the horizontal and vertical extent of elevated EC, TDS, and nitrate as nitrogen degradation/pollution in groundwater beneath and downgradient of the Harris Ranch Land Application Areas and proposes an appropriate course of action. The report is subject to Executive Officer approval.	<b>In accordance with the approved schedule, but by no later than 24 February 2021</b>
c.	Annually, submit a technical report analyzing groundwater quality and progress towards complying with the Groundwater Limitations of this Order.	<b>Annual progress report by 1 February of each year</b>
d.	If the periodic monitoring required in Subsection c, above, indicates that it will take longer than 10 years from the adoption of this Order for groundwater to meet the Groundwater Limitations of this Order, the Discharger shall submit a work plan with a compliance schedule for implementing additional measures to meet the Groundwater Limitations of this Order. The proposed work plan and compliance schedule shall be subject to Executive Officer approval and may be incorporated into future Board Orders.	<b>As required by the Executive Officer</b>

If, in the opinion of the Executive Officer, the Discharger violates this Order, the Executive Officer may refer the matter to the Attorney General for judicial enforcement or alternately issue a complaint for Administrative Civil Liability.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

I, PAMELA CREEDON, Executive Officer, do hereby certify 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 24 February 2017.

*Original signed by*

---

PAMELA C. CREEDON, Executive Officer