

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

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[Regional Board Website](https://www.waterboards.ca.gov/centralvalley) (https://www.waterboards.ca.gov/centralvalley)

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[TENTATIVE] WASTE DISCHARGE REQUIREMENTS ORDER  
R5-2024-XXXX

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**ORDER INFORMATION**

<b>Order Type(s):</b>	Waste Discharge Requirements (WDRs)
<b>Status:</b>	TENTATIVE
<b>Program:</b>	Site Cleanup
<b>Region 5 Office:</b>	Fresno
<b>Discharger(s):</b>	Dunavant Enterprises, Inc
<b>Facility:</b>	Producers Cotton Oil Company
<b>Address:</b>	2925 South Maple, Fresno
<b>County:</b>	Fresno County
<b>Parcel Nos.:</b>	330-200-15S
<b>GeoTracker ID:</b>	SL185224250
<b>Prior Order(s):</b>	WDR 92-195

**CERTIFICATION**

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_ October 2024.

\_\_\_\_\_  
PATRICK PULUPA,  
Executive Officer

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## GLOSSARY

<b>Antidegradation Policy</b>	Statement of Policy with Respect to Maintaining High Quality Waters in California, State Water Board Resolution 68-16
<b>Basin Plan</b>	<i>Water Quality Control Plan for the Tulare Lake Basin</i>
<b>bgs</b>	Below Ground Surface
<b>CalRecycle</b>	California Department of Resources Recovery and Recycling
<b>CAP</b>	Corrective Action Program
<b>CAMP</b>	Corrective Action Monitoring Program
<b>CEQA</b>	California Environmental Quality Act
<b>CEQA Guidelines</b>	California Code of Regulations, Title 14, section 15000 et seq.
<b>C.F.R.</b>	Code of Federal Regulations
<b>COCs</b>	Constituents of Concern
<b>CPMP</b>	Closure and Post-Closure Maintenance Plan
<b>CQA</b>	Construction Quality Assurance
<b>Designated Waste</b>	(a) Hazardous Waste subject to variance from management requirements per Health and Safety Code section 25143; and (b) Nonhazardous Waste containing pollutants that, under ambient conditions, could be released in concentrations exceeding applicable WQOs, or that could reasonably be expected to affect beneficial uses of water. (Wat. Code, § 13173.)
<b>DMP</b>	Detection Monitoring Program
<b>DTSC</b>	California Department of Toxic Substances Control
<b>DWR</b>	California Department of Water Resources
<b>EIR</b>	Environmental Impact Report
<b>EMP</b>	Evaluation Monitoring Plan

<b>FEMA</b>	Federal Emergency Management Agency
<b>GCL</b>	Geocomposite Liner
<b>Hazardous Waste</b>	Wastes which, pursuant to Title 22, section 66261.3 et seq., are required to be managed in accordance with Division 4.5 of Title 22. (Title 27, § 20164; Title 23, § 2521(a).)
<b>JTD</b>	Joint Technical Document
<b>LEA</b>	Local Enforcement Agency
<b>MDB&amp;M</b>	Mount Diablo Base and Meridian
<b>MDL</b>	Method Detection Limit
<b>µg/L</b>	Micrograms per Liter
<b>mg/L</b>	Milligrams per Liter
<b>msl</b>	Mean Sea Level
<b>MRP</b>	Monitoring and Reporting Program
<b>MW</b>	Monitoring Well
<b>SPRRs</b>	Standard Provisions and Reporting Requirements
<b>ROWD</b>	Report of Waste Discharge
<b>Title 22</b>	California Code of Regulations, Title 22
<b>Title 23</b>	California Code of Regulations, Title 23
<b>Title 27</b>	California Code of Regulations, Title 27
<b>USEPA</b>	United States Environmental Protection Agency
<b>VOCs</b>	Volatile Organic Compounds
<b>WDRs</b>	Waste Discharge Requirements
<b>WMU</b>	Waste Management Unit
<b>WQOs</b>	Water Quality Objectives
<b>WQPS</b>	Water Quality Protection Standard



## FINDINGS

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) hereby finds as follows:

### Introduction

1. Dunavant Enterprises, Inc. (Discharger) owns and maintains the Producers Cotton Oil Company (Facility), which is located south of Fresno in Fresno County, Section 25, Township 14S South, Range 20 East, Mount Diablo Base and Meridian (MDB&M). The Facility's location is depicted on the Site Location Map in **Attachment A**.
2. The Facility is situated on a property comprised of Assessor's Parcel Number (APN) 330-200-15S. The address associated with the Facility is 2925 South Maple, Fresno, California 93725.
3. As the Facility's owner and operator, the Discharger is responsible for compliance with this Order, which prescribes Waste Discharge Requirements (WDRs) regulating monitoring, closure, and post-closure maintenance of the Waste Management Units (WMUs) listed in **Table 1**.

**Table 1—Summary of Waste Management Units (WMUs)  
Permitted under Order**

Unit	Type	Class	Status
South Pond	Surface Impoundment	Class III	Closed
Southwest Pond	Surface Impoundment	Class III	Closed

See Glossary for definitions of terms and abbreviations in table.

### Materials Accompanying Order

4. The following materials are attached to this Order, and incorporated herein:  
ATTACHMENT A—SITE LOCATION  
ATTACHMENT B—FACILITY MAP  
ATTACHMENT C—ENGINEERED ALTERNATIVE  
ATTACHMENT D—MONITORING WELL NETWORK

Information Sheet for [TENTATIVE] Waste Discharge Requirements Order  
(Information Sheet)

Standard Provisions & Reporting Requirements for Industrial Facilities  
Regulated by Title 27, April 2016 Edition (SPRRs or Standard Provisions)

5. This Order is also accompanied by the concurrently adopted **Monitoring & Reporting Program R5-2024-XXXX (MRP)**, the provisions of which are incorporated as part of this Order. Each time the operative MRP is modified by the Central Valley Water Board or its Executive Officer, the revised version shall become the operative MRP (superseding the prior version) and be incorporated as part of this Order (i.e., in lieu of the prior version).
6. To the extent there are any material inconsistencies between the provisions of this Order, the operative MRP and the SPRRs, the provisions of this Order shall be controlling. However, to the extent a revised MRP contains new or different factual findings reflecting changed conditions or circumstances at the Facility, the revised MRP findings shall be controlling.
7. Additional information about the Facility is set forth in the **Information Sheet**, which is incorporated as part of these findings. (See Finding 4)

**Facility**

8. During the Facility's operation, the mill facility was comprised of basically two processes: a cotton planting seed preparation process and a cotton seed oil process. The cotton planting seed preparation process was used to remove lint from the seeds, thereby allowing them to be planted by mechanical means.
9. Between the winters of 1981 and 1985, an acid delinting process was utilized as part of the cotton planting seed preparation. Through this process, the cotton seeds were placed in sulfuric acid for approximately three minutes and then rinsed with water to stop the reaction. This process was operated for approximately 30 to 60 days each year, during which approximately 30,000 gallons per day (gpd) of rinse water was generated.
10. The rinse water was discharged to unlined surface impoundments via storm drain lines. The rinse water first entered the Southwest Pond and eventually spilled over into the South Pond via an overflow pipe. As a result of the discharge, sulfates were deposited in the soil and ground water underlying these ponds. After the 1985 processing season, discharge of the acidic rinse water into these ponds ceased.
11. The Southwest Pond is approximately 100 feet long, 40 feet wide, and 20 feet deep with a storage capacity of about 230,000 gallons. The South Pond is

approximately 750 feet long, 100 feet wide, and 20 feet deep with a storage capacity of about 10 million gallons.

12. On 25 September 1992, the Central Valley Water Board adopted Order 92-105, which required closure of the unlined surface impoundments since they did not meet the Class II siting criteria but contained designated waste. The surface impoundments were subsequently closed with a final cover system consisting of the following (in ascending order): foundation layer, one-foot thick clay layer exhibiting a permeability of  $1 \times 10^{-6}$  centimeters per second (cm/s), overlain by a one-foot thick protective layer.
13. The *Annual Cover System Monitoring and Maintenance Report*, dated 15 November 2021 and prepared by Krazan-VEIR, contained information that indicated that the cover system was in noncompliance with Order 92-105. A Notice of Violation (NOV) was sent to Dunavant Enterprises, LLC and, in response, the Discharger proposed reconstructing the cover systems utilizing a geosynthetic clay layer and to improve the drainage system.
14. The Facility includes the following onsite features, systems and structures:
  - a. Two former unlined surface impoundments.
  - b. Drain inlets that lead to an existing stormwater basin.
  - c. A total of five (5) off-site groundwater monitoring wells.

### **Waste Classification & Permitting**

15. On 25 September 1992, the Central Valley Water Board adopted Order 92-105, classifying the Facility's WMUs as existing Class III units containing designated waste since the surface impoundment failed to meet the Class II siting criteria (as defined per Wat. Code, § 13173). This Order continues such classifications, which are set forth above in **Table 1**. Order 92-105 also required the closure of the surface impoundments.
16. On 10 March 2024, the Discharger submitted an updated *Report of Waste Discharge* (ROWD). Information in the ROWD was used in the development of this Order. The Discharger's ROWD proposes the reconstruction of the final cover system to meet the requirements of Title 27, California Code of Regulations, section 20005 et al (Title 27).

### **Site Conditions**

17. The Facility is underlain by the Kings Sub-Basin which is a member of the San Joaquin Valley Groundwater Basin within the San Joaquin River Hydrologic Region. The Kings Sub-Basin groundwater aquifer system consists of

unconsolidated continental deposits which consist of older series of Tertiary and Quaternary age overlain by a younger series of alluvium of Quaternary age. The younger alluvium, which stores the groundwater at the subject site is a sedimentary deposit of fluvial arkosic beds and is interbedded with flood-basin deposits. The alluvium consists of silty sands and fine- to medium-grained sands with intervals of finer grained sandy silts and clay over-bank deposits. The Facility has an uneven hummocky topography and slopes moderately to the south and southwest along the southern and southwestern borders with the remainder of the subject site being relatively level with no major changes in grade.

18. Land uses within one mile of the Facility include industrial and municipal uses.
19. There is a canal approximately 1000 ft southwest of the Facility that runs into Valley Floor Waters. According to the Central Valley Water Board's *Water Quality Control Plan for the Tulare Lake Basin* (Basin Plan), the beneficial uses of Valley Floor Waters within the subject hydrologic area (Fresno Hydrologic Area No. 551.30) include the following: agricultural supply (AGR); industrial service supply (IND); industrial process supply (PRO); water contact recreation (REC-1); non-water contact recreation (REC-2); warm freshwater habitat (WARM); wildlife habitat (WILD); groundwater recharge (GWR); and preservation and enhancement of rare, threatened, and endangered species (RARE).
20. Per the Basin Plan, beneficial uses of underlying groundwater at the Facility (DAU 233) are as follows: municipal and domestic supply (MUN); agricultural supply (AGR); industrial service supply (IND); industrial process supply (PRO); water contact recreation (REC-1), and non-water contact recreation (REC-2).
21. Groundwater underneath the Facility is first encountered approximately 85 feet below ground surface (bgs) or 208 feet mean sea level (MSL).
22. The groundwater gradient is measured to be to the west at approximately 0.0013 feet per foot.
23. There are several supply wells within one mile of the Facility.
24. Based on data from the nearest active weather station, Five Points-San Joaquin Valley, the Facility has an annual total precipitation of 8.8 inches. The nearest weather station is reflective of conditions at the Facility.
25. According to National Oceanic and Atmospheric Administration's (NOAA) *Precipitation Frequency Atlas 14, Volume 6* (rev. 2014), the Facility's 100-year and 1,000-year, 24-hour rainfall events are estimated to result in 3.42 and 5.02 inches of precipitation, respectively. Source: [NOAA Precipitation Frequency Data Server](https://hdsc.nws.noaa.gov/hdsc/pfds) (<https://hdsc.nws.noaa.gov/hdsc/pfds>).

26. A stormwater basin is situated north of the south pond and northeast of the Southwest Pond within the Facility, as depicted in **Attachment B**.
27. According to the Federal Emergency Management Agency’s (FEMA) [Flood Insurance Rate Map](https://msc.fema.gov/portal) (<https://msc.fema.gov/portal>), the Facility is not located within a 100-year floodplain.

### Monitoring Networks

28. As of the date of this Order, the Facility’s **groundwater** monitoring network consists of the existing and proposed monitoring wells listed in **Table 2**.

**Table 2—Groundwater Monitoring Well Network**

Well	Status
MW-1R	Operational
MW-2R	Operational
MW-3R	Planned
MW-4R	Operational
MW-5R	Planned

See Glossary for definitions of terms and abbreviations in table.

### Water Quality Protection Standard

29. A Water Quality Protection Standard (WQPS) is the analytical framework through which WMUs are individually monitored for releases and impacts to water quality. (Title 27, § 20390, subd. (a).) Under Title 27, a WQPS is separately established for each WMU in WDRs. (*Id.*)
30. In accordance with Title 27, this Order, by virtue of its incorporation of **Monitoring & Reporting Program R5-2024-XXXX (MRP)** and subsequent revisions thereto, establishes a WQPS for each WMU at the Facility.

### Unit Closures

31. The Central Valley Water Board is authorized to approve an **engineered alternative** to Title 27 prescriptive standards (see, e.g., Title 27, § 20330, subd. (c)), provided that the discharger demonstrates that compliance with the prescriptive standard would be unreasonably and unnecessarily burdensome in comparison to the proposed alternative. (Title 27, § 20080, subds. (b), (c); State Water Board Resolution 93-62).

32. The Discharger submitted construction plans for the reconstruction of the final cover systems for the South and Southwest Ponds, which incorporate an engineered alternative outlined in **Attachment C**, which is incorporated herein.
33. A letter was submitted to the Central Valley Water Board staff, dated 27 September 2023, by Krazan-Veir on behalf of Dunavant Enterprises, Inc. This letter determined the infeasibility for importing the clay layer as required by Order 92-125 and concluded that a geosynthetic clay layer would be more cost feasible as well as provide a consistent permeability. As such, the Discharger has adequately demonstrated that construction of a liner in accordance with the Title 27 prescriptive standard would be unreasonably and unnecessarily burdensome in comparison to the proposed engineered alternative. The Discharger has further demonstrated that the proposed engineered alternative(s), as described in **Attachment C**, are not only consistent with the performance goals of the prescriptive standard, as described above, and will afford at least equivalent water quality protections.
34. The cover design consists of the following (descending order):
  - a. Two-foot-thick soil layer
  - b. Geosynthetic clay liner
  - c. Over-excavated and re-graded former surface impoundment area as a foundation layer.

#### **Post-Closure Maintenance & Financial Assurances**

35. The *Final Closure and Post-Closure Maintenance Plan* is the operative document providing for post-closure maintenance of the South and Southwest Ponds for the entire post-closure maintenance period of at least 30 years, and until it is demonstrated that the Facility no longer poses a threat to public health and safety and the environment. (See Title 27, §§ 20950(a)(1), 21180(a).) The proposed post closure maintenance and monitoring as described in the plan is as following:
  - a. The cover system and drainage control facilities should be inspected prior to the first anticipated rain event of the year and on a monthly basis during the rainy season.
  - b. The cover system should be inspected for erosion, differential settlement, slope failure, rodent burrows, etcetera and repaired as needed. Additionally, rodent bait stations should be placed around the perimeter of the subject site and refilled with rodenticide on a monthly basis throughout the year.
  - c. Drainage control facilities should be inspected for damage or blocked inlets.

- d. An annual inspection summary report should be prepared and submitted to the Central Valley Water Board by May 1st of each year summarizing the findings of the inspections, as well as corrective measures that were implemented.
36. This Order requires the Discharger to submit updated cost estimates for post-closure maintenance (§§ 22210–22212) and foreseeable corrective action for releases (§§ 22220–22222) and to maintain financial assurances in accordance with Title 27.

### **California Environmental Quality Act**

37. The issuance of this Order, which prescribes requirements and monitoring of waste discharges at an **existing facility**, with negligible or no expansion of its existing use, is exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., pursuant to California Code of Regulations, title 14, section 15301 (CEQA Guidelines). The discharges authorized under this Order are substantially within parameters established under prior WDRs, particularly with respect to character and volume of discharges.

### **Other Regulatory Matters**

38. This Order is issued in part pursuant to Water Code section 13263, subdivision (a), which provides as follows:

The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area ... into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of [Water Code] Section 13241.
39. This Order implements the Central Valley Water Board's Basin Plan, which designates beneficial uses for surface water and groundwater and establishes

water quality objectives (WQOs) necessary to preserve such beneficial uses.<sup>1</sup>  
(Wat. Code, § 13241 et seq.)

40. The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California*, Resolution 68-16 (*Antidegradation Policy*) prohibits the Central Valley Water Board from authorizing degradation of "high quality waters" unless it is shown that such degradation: (1) will be consistent with the maximum benefit to the people of California; (2) will not unreasonably affect beneficial uses, or otherwise result in water quality less than as prescribed in applicable policies; and (3) is minimized through the discharger's best practicable treatment or control.
41. Consistent with Title 27, this Order requires the Discharger to maintain the Facility to contain waste within WMUs, thereby preventing degradation of water quality. To the extent that there are releases from Facility WMUs, will be required to address such releases through a Corrective Action Program. (See Title 27, §§ 20385, 20415, 20430.) Because this Order does not authorize any degradation in water quality, it complies with the *Antidegradation Policy*.
42. For the purposes of California Code of Regulations, title 23 (Title 23), section 2200, the Facility has a threat-complexity rating of **2-B**, where:
  - a. Threat Category "2" reflects waste discharges that can impair receiving water beneficial uses, cause short-term water quality objective violations, cause secondary drinking water standard violations, and cause nuisances; and
  - b. Complexity Category "B" reflects any discharger not included in Category A, with either (1) physical, chemical or biological treatment systems (except for septic systems with subsurface disposal), or (2) any Class II or Class III WMUs.

### Reporting Requirements

43. This Order is also issued in part pursuant to Water Code section 13267, subdivision (b)(1), which provides that:

[T]he 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

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<sup>1</sup> Designated beneficial uses surface water and groundwater are discussed in Finding 19 and Finding 20, respectively.



... 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.

44. The technical reports required under this Order, as well as those required under the separately issued MRP, are necessary to ensure compliance with prescribed WDRs and the provisions of Title 27, Subtitle D (40 C.F.R. part 258) and State Water Board Resolution 93-62. Additionally, the burdens associated with such reports are reasonable relative to the need for their submission.
45. Failure to comply with the reporting requirements under this Order and the MRP may result in enforcement action pursuant to Water Code section 13268.

#### **Procedural Matters**

46. All local agencies with regulatory jurisdiction over land-use, solid waste disposal, air pollution and public health protection have approved the use of the Facility's site for the discharge of waste to land as provided for herein.
47. The Discharger, interested agencies, and interested persons were notified of the Central Valley Water Board's intent to prescribe the WDRs in this Order, and provided an opportunity to submit their written views and recommendations at a public hearing. (Wat. Code, § 13167.5; Title 27, § 21730.)
48. At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.
49. The Central Valley Water Board will review and revise the WDRs in this Order as necessary.

#### **REQUIREMENTS**

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13263 and 13267, that Order 92-195 is rescinded, except for enforcement purposes; and that the Discharger and their agents, employees and successors shall comply with the following.

##### **A. Discharge Prohibitions**

The Discharger shall comply with all Standard Prohibitions (SPRRs, § C), which are incorporated herein.

**B. Discharge Specifications**

The Discharger shall comply with all Standard Discharge Specifications (SPRRs, § D), which are incorporated herein.

**C. Facility Specifications**

The Discharger shall comply with all Standard Facility Specifications (SPRRs, § E) which are incorporated herein.

**D. Closure & Post-Closure Maintenance Specifications**

Except as otherwise directed below, the Discharger shall comply with all Standard Closure and Post-Closure Specifications (SPRRs, § G) and closure-related Standard Construction Specifications (SPRRs, § F), as well as the following with respect to closure of landfills at the Facility.

1. The approved cover design consists of the following (ascending order):
  - (A) Two-foot-thick soil layer
  - (B) Geosynthetic clay liner
  - (C) Over-excavated and re-graded former surface impoundment area as a foundation layer.
2. The cover system shall be constructed according to specifications in Attachment C **by 30 April 2025**.
3. The Discharger shall not implement changes to approved cover design in Attachment C until the Central Valley Water Board approves of the proposed changes in writing, provided that the proposed changes:
  - a. Previously approved components are not eliminated;
  - b. The engineering properties of previously approved components are not substantially reduced; and
  - c. The proposed liner system will result in water quality equal to or greater than the design(s) prescribed per Title 27, section 20310 et seq., and this Order.
4. At least two permanent monuments shall be installed on the final cover system by a licensed land surveyor or a registered civil engineer, from which the locations and elevations of wastes, containment structures, and monitoring facilities can be determined throughout the post-closure maintenance period.

5. The post-closure maintenance period shall continue until the Central Valley Water Board determines that the waste no longer poses a threat to groundwater quality.
6. Throughout the post-closure maintenance period, the Discharger shall:
  - a. Maintain the structural integrity and effectiveness of all containment structures and maintain the covers as necessary to correct the effects of settlement or other adverse factors.
  - b. Maintain the monitoring systems and monitor groundwater in accordance with Monitoring and Reporting Program No. R5-2024-XXXX.
  - c. Prevent erosion and related damage of the covers due to drainage.
  - d. Protect and maintain surveyed monuments.
7. The Discharger shall immediately notify the Central Valley Water Board of any flooding, unpermitted discharge of waste on or off-site, slope failure, or other change in site conditions which could impair the integrity of the cover system, or precipitation and drainage control structures.
8. During or after final cover installation, the Discharger may perform minor modifications to problematic areas of the final cover, provided that: (a) the barrier layer of the final cover (e.g., geomembrane, GCL and/or compacted clay layer) remains intact; and (b) the Central Valley Water Board approves of such modifications.
9. Submittal of a cover system certification and site restoration report **within 60 days** after completion of construction.

#### **E. Financial Assurances**

Except as otherwise directed below, the Discharger shall comply with all Standard Financial Assurance Provisions (SPRRs, § H), as well as the following.

1. The Discharger shall submit updated cost estimates for post-closure maintenance (§§ 22210–22212) and foreseeable corrective action for releases (§§ 22220–22222) in accordance with Title 27 by **31 December 2024**.
2. The Discharger shall submit updated financial assurances for post-closure maintenance (§§ 22210–22212) and foreseeable corrective action for releases (§§ 22220–22222) within **90 days** of the approval of the cost estimates discussed above. The assurances of financial responsibility

shall name the Central Valley Regional Water Quality Control Board as beneficiary and shall provide that funds for corrective action and post-closure maintenance be available to the Central Valley Water Board upon the issuance of any order under California Water Code, Division 7, Chapter 5.

3. The Discharger is required to annually adjust the cost estimates and financial assurance fund balance using an inflation factor that is equivalent to or greater than the inflation factor that CalRecycle determines annually. Updated cost estimates using the current year's dollars shall be required every five years. The financial assurance updates shall be submitted to the Central Valley Water Board annually, no later than **1 June** of every year.

#### **F. Monitoring Requirements**

Except as otherwise directed below, the Discharger shall comply with all applicable Standard Monitoring Specifications (SPRRs, § I) and Standard Response to Release Specifications (SPRRs, § J), as well as the following:

1. The Discharger shall comply with all provisions of the separately issued Monitoring R5-2024-XXXX and any subsequent revisions thereto (operative MRP).
2. The Discharger shall implement the Water Quality Protection Standard (WQPS) set forth in the operative MRP (see also Title 27, § 20390); and shall verify the compliance of each WMU with each subsequent monitoring event.
3. For all WMUs, the Discharger shall implement a groundwater, surface water, and unsaturated zone detection monitoring program (DMP) in accordance with Title 27, sections 20385, 20415 and 20420.
4. For each WMU subject to corrective action, the Discharger shall implement a corrective action monitoring program (CAMP) in accordance with Title 27, sections 20385, 20415 and 20430, and Section I of the SPRRs.

#### **G. Reporting Requirements**

In addition to those Standard Provisions pertaining to notification and reporting obligations (see, e.g., §§ K.1-2, K.6, K.8-10), the Discharger shall comply with the following provisions.

1. The Discharger shall comply with all MRP provisions pertaining to the submittal and formatting of reports and data.

2. Reports shall be submitted electronically via the State Water Board's [GeoTracker Database](https://geotracker.waterboards.ca.gov) (<https://geotracker.waterboards.ca.gov>). After uploading, the Discharger shall notify Central Valley Water Board staff via email at **CentralValleyFresno@WaterBoards.ca.gov**. The following information shall be included in the body of the email:

**Attention:** Site Cleanup Unit  
**Report Title:** [Enter Report Title]  
**GeoTracker Upload ID:** SL185224250  
**Facility:** Producers Cotton Oil Company  
**County:** Fresno County  
**CIWQS Place ID:** 249260

3. All technical reports submitted under this Order shall be prepared by, or under the direct supervision of, a California-licensed civil engineer or engineering geologist. For the purposes of this section, a “technical report” is a report incorporating the application of scientific or engineering principles.

#### **H. Other Provisions**

1. The Discharger shall maintain at the Facility copies of this Order (including all attachments), the operative Monitoring & Reporting Program (i.e., MRP R5-2024-XXXX and any revisions thereto), and the SPRRs. These materials shall be made available to all operating personnel, who shall be familiar with the contents of such materials.
2. The Discharger shall comply with all applicable provisions of Title 27 (including those provisions not specifically referenced herein).

## **LIST OF ATTACHMENTS**

ATTACHMENT A—SITE LOCATION

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Information Sheet

Standard Provisions & Reporting Requirements for Waste Discharge Requirements for Industrial Facilities Regulated by Title 27, April 2016 Edition (SPRRs or Standard Provisions) (separate document)

Monitoring and Reporting Program R5-2024-XXXX (separate document)

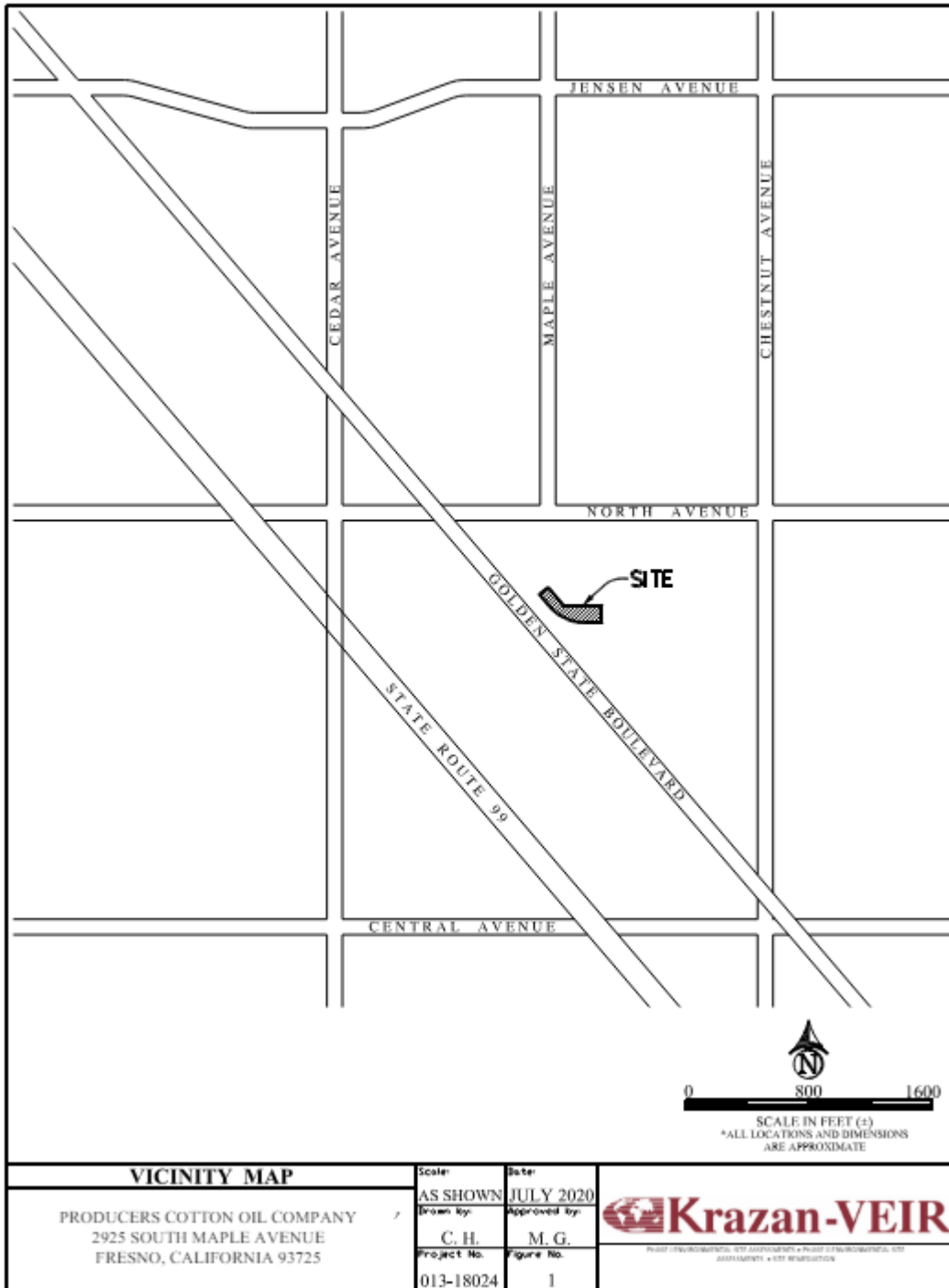
### **ENFORCEMENT**

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves the right to take any enforcement actions authorized by law.

### **ADMINISTRATIVE REVIEW**

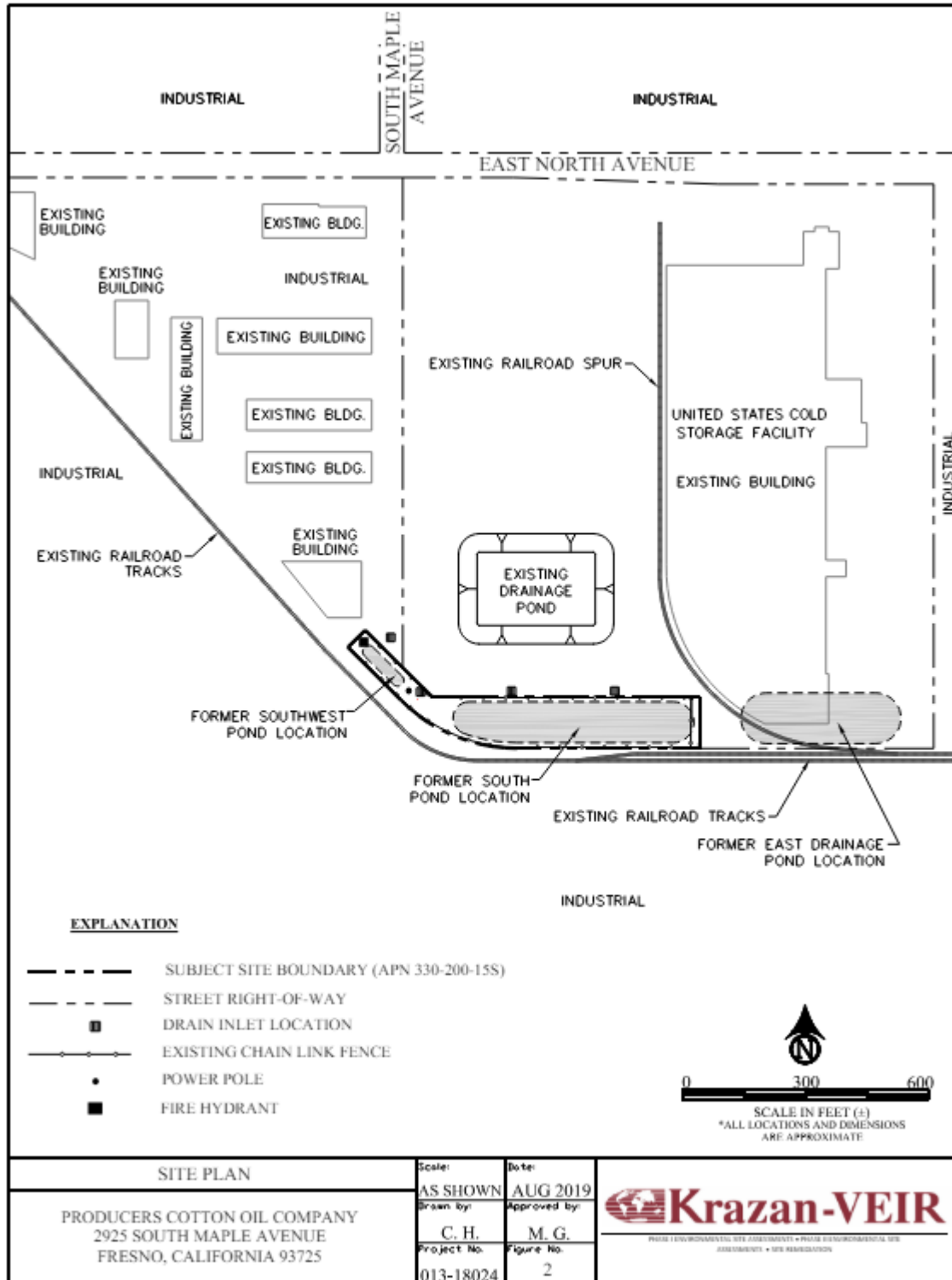
Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the petition must be received by the State Water Board by 5:00 pm on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. The law and regulations applicable to filing petitions are available on the [State Water Board website](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)). Copies will also be provided upon request.

### ATTACHMENT A—SITE LOCATION

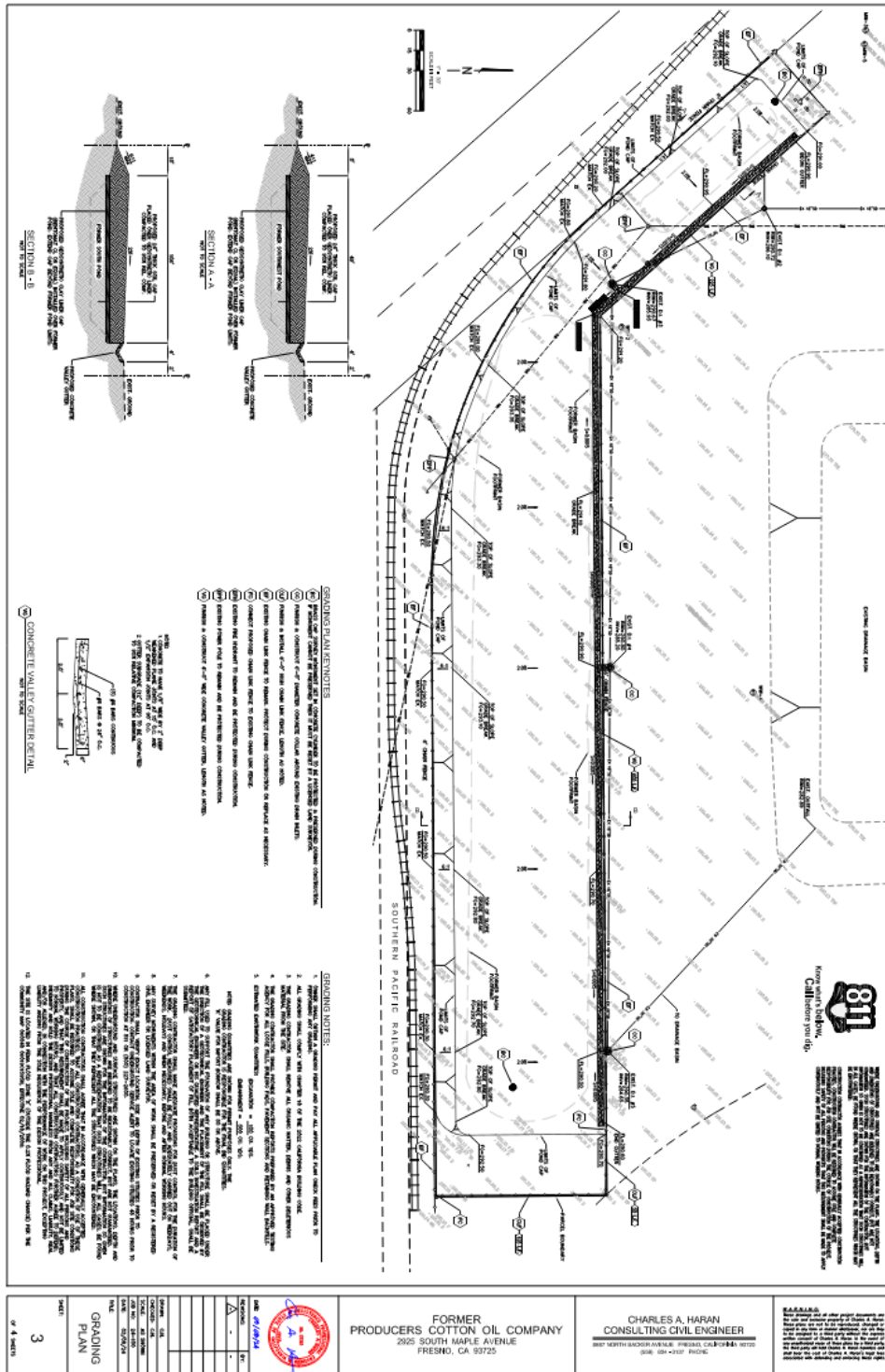




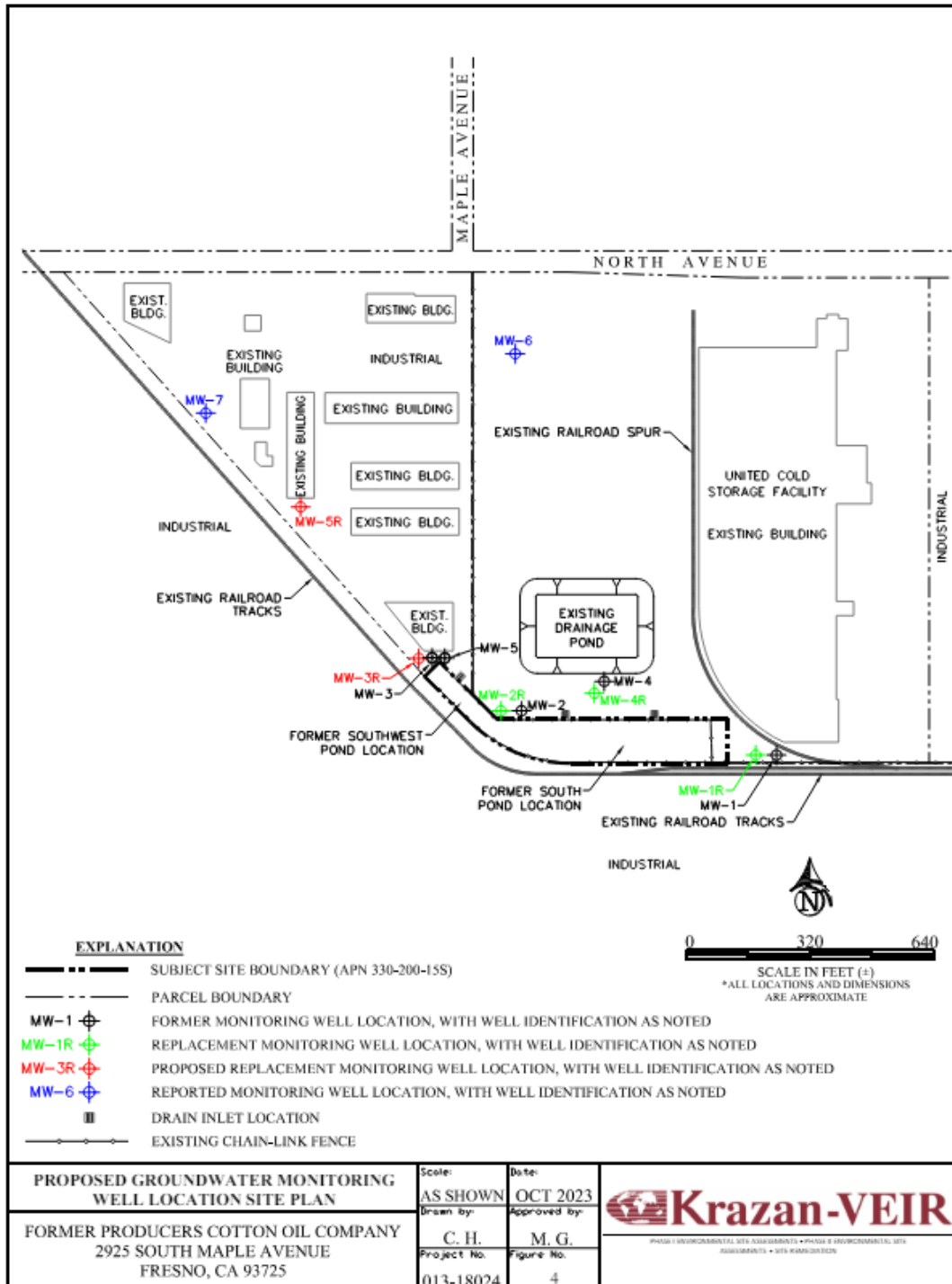
**ATTACHMENT B—FACILITY MAP**



ATTACHMENT C—ENGINEERED ALTERNATIVE



### ATTACHMENT D—MONITORING WELL NETWORK



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

[TENTATIVE] WASTE DISCHARGE REQUIREMENTS ORDER R5-2024-XXXX  
FOR  
DUNAVANT ENTERPRISES, INC.  
PRODUCERS COTTON OIL COMPANY  
FRESNO COUNTY

**INFORMATION SHEET**

**Facility Location**

The Facility is located approximately 1,200 feet south of the intersection of East North and South Maple Avenues within an industrial area immediately southeast of the city limits of Fresno, Fresno County, California. This parcel of land is in Section 25, T14S, R20E, MDB&M. A large ponding basin, United States Cold Storage of California (USCSOC), a composting facility, and metal warehouse buildings are located to the north of the Facility and railroad tracks are located adjacent to the southern, western, and eastern borders of the Facility property.

**Site History**

Producers Cotton Oil Company began operations at the site in 1947. Between 1981 and 1985, the company disposed of about 30,000 gpd of rinse water generated by a cotton seed acid delinting process, by discharging it to land. This was a seasonal operation which generated the rinse water discharge for 30 to 60 days each year. The rinse water, which was highly acidic (pH < 1) and contained high concentrations of sulfates, was discharged primarily into the Southwest Pond. However, some of the rinse water was also discharged into the South Pond via overflow through a pipeline connecting the ponds. Dunavant purchased Producers Cotton Oil Co in November 1987. Producers Holding Company, a wholly owned subsidiary of Dunavant Enterprises, Inc.,

The Southwest Pond was approximately 100 feet long, 40 feet wide, and 20 feet deep, with a storage capacity of about 230,000 gallons. The South Pond is much larger in comparison, with approximate dimensions of 750 feet in length, 100 feet in width, and 20 feet in depth. These ponds were formerly subject to the Toxic Pits Cleanup Act (TPCA), but the company has since ceased discharge of the rinse water, completed a Hydrogeological Assessment Report, and determined that the soils do not contain contaminants or exhibit pH levels at concentrations causing them to be hazardous. Therefore, the Facility has been removed from the TPCA list.

Nevertheless, soils underlying the ponds contain elevated levels of sulfates and are designated waste. In addition, groundwater underlying the Facility has been affected and contains sulfates. Groundwater has been monitored sporadically over the years since adoption of Order 92-105.

The *Annual Cover System Monitoring and Maintenance Report*, dated 15 November 2021 and prepared by Krazan-VEIR, for the Facility contained information that indicated

that the cover system was in noncompliance with Order 92-105. As such, a Notice of Violation (NOV) was sent to Dunavant Enterprises, LLC. The subsequent responses to the NOV proposed reconstructing the pond covers utilizing a geosynthetic clay layer in lieu of the one-foot clay layer as required by Order 92-125. The new cover design places a geosynthetic clay liner over the existing ponds and then places a two-foot soil cap on top of the geosynthetic clay liner. This Order will rescind previous Order 92-125.