



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901**

Apr 20, 2004

CERTIFIED MAIL 7000 0520 0021 6108 9809  
RETURN RECEIPT REQUESTED

In Reply Refer To: CWA-308-9-04-030

Jerry Ramsey, Engineering Manager  
Sunsweet Growers, Inc.  
901 North Walton Avenue  
Yuba City, California 95993

**Subject: Request for Information and Self-Monitoring Order Under Section 308 of the Clean Wter Act Concerning Sunsweet Growers.**

Dear Mr. Ramsey:

This Order is in response to our inspection of Sunsweet in which we found that the treatability of Sunsweet=s wastewater discharges poses unique operational risks to the Yuba City sewers and wastewater treatment plant. The key dates are as follows:

KEY DATES	REQUEST FOR INFORMATION AND SELF-MONITORING ORDER CWA-308-9-04-030
05/28/04	1. Submit written responses to the February 20, 2004 inspection report.
06/01/04	3. Begin one-year of wastewater self-monitoring under this Order. Monthly sampling for ammonia, nitrates, total phosphorus, iron, and total total dissolved solids. Monthly summaries of pH, discharge flow rate, and daily-average BOD.
08/28/04	2. Submit a reference table for alkalinity demand vs. strength/temperature. 3. Part 3(d) One-time sampling for identified toxics and disinfectants.
05/31/05	End self-monitoring under this Administrative Order.
* * *	Self-monitoring reports are due on the 28th day of each month for the samples collected during the previous calendar month.

Under Section 308(a) of the Clean Water Act ("the Act") as amended [33 U.S.C. Section 1318(a)], the Administrator of EPA is authorized to require persons subject to the Act to furnish information, conduct monitoring, provide entry to the Administrator or authorized representatives and make reports as may be necessary to carry out the objectives of the Act. This authority has been duly delegated to the Chief of the Clean Water Act Compliance Office of Region 9.

Sunsweet is required to submit information and self-monitor as set forth as follows in items 1-14.

*Compliance Determination*

1. By **MAY 28, 2004**, Sunsweet shall submit a response to each of the numbered Sections 2.0 through 5.0 of the February 20, 2004 EPA inspection report.
2. By **AUGUST 28, 2004**, Sunsweet shall determine the alkalinity demand of its wastewater discharges (after seeding for nutrients) at strengths ranging from 500 mg/l-BOD to the maximum concentration recorded in 1993-1994 and at temperatures ranging from 15EC to 50EC. The results shall be presented in reference table indicating the alkalinity demand vs. strength and temperature.

*Self-Monitoring Requirements*

3. From **JUNE 1, 2004 THROUGH MAY 31, 2005**, Sunsweet shall self-monitor the wastewater discharges to the sewers at the compliance point designated in this Order as IWD-LOC1 in accordance with the following sampling schedule:
  - a. **ONCE EVERY MONTH**, Sunsweet shall self-monitor for total ammonia, nitrates, total phosphorus, total dissolved solids, and iron;
  - b. **ONCE EVERY MONTH**, Sunsweet shall summarize the continuous pH meter strip charts to reflect the following:
    - i. The number of minutes each day in which the pH is below 2.0;
    - ii. The number of minutes each day in which the pH is below 5.0;
    - iii. The number of minutes each day in which the pH is below 6.5;
    - iv. The number of minutes each day in which the pH is below 8.5;
    - v. The number of minutes each day in which the pH is above 12.5.
  - c. **ONCE EVERY MONTH**, Sunsweet shall report the discharge flow rate and daily-average BOD concentration for each day.
  - d. **ONCE PRIOR TO AUGUST 28, 2004**, Sunsweet shall self-monitor for methyl bromide, cyclohexylamine, morpholine, diethylethanolamine, and any identified disinfectants.

4. Sunsweet shall self-monitor and analyze using the sampling protocols and EPA approved analytical methods (or equivalent) to achieve the listed detection limits indicated below:

Parameters	Sampling Protocols and Required Detection Limits	
flow rate	continuous flow meter or meter reading	-
total ammonia	24-hour flow-weighted composite	0.1 mg/l
nitrates	24-hour flow-weighted composite	0.1 mg/l
total phosphorus	24-hour flow-weighted composite	0.1 mg/l
iron	24-hour flow-weighted composite	0.1 mg/l
total dissolved solids	24-hour flow-weighted composite	5 mg/l
methyl bromide	grab	10 ug/l
cyclohexylamine	grab	10 ug/l
morpholine	grab	10 ug/l
diethyethanolamine	grab	10 ug/l

5. The sewer sampling of the discharges required in item 3(a) of this Order shall be representative of the overall discharge to the Yuba City sewers at the compliance sampling point IWD-LOC1, unless EPA approves a new sample point or points.

#### *Submissions*

6. By the **TWENTY-EIGHTH (28<sup>th</sup>) DAY OF EACH MONTH**, Sunsweet shall submit all self-monitoring results for the previous month. The first monthly report is due on July 28, 2004 for the June 2004 self-monitoring. The 12<sup>th</sup>-and-last monthly report is due on June 28, 2005 for the May 2005 self-monitoring.
7. For each sample, Sunsweet shall record the sample results, the EPA analytical methods used, the date, time and location of sampling, the type of sampling (ie. 24-hour composite or grab), and the name of the laboratory used.
8. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Sunsweet and shall include the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that all wastewater samples analyzed and reported herein are representative of the ordinary process wastewater flow from this facility. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations.

9. All submissions shall be mailed to the following addresses:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
75 Hawthorne Street  
San Francisco, California 94105  
Attn: Greg V. Arthur (WTR-7)

REGIONAL WATER QUALITY CONTROL BOARD  
11020 Sun Center Driver, No. 200  
Rancho Cordova, California 95670  
Attn: Melissa Hall

CITY OF YUBA CITY  
302 Burns Drive  
Yuba City, California 95991  
Attn: Mike Paulucci

*Standard Provisions*

10. This letter is not and shall not be interpreted to be a National Pollutant Discharge Elimination System permit under Section 402 of the Act [33 U.S.C. Section 1342], nor a local industrial user permit under 40 CFR Part 403.8(f)(iii). In addition, this letter shall not in any way extinguish, waive, satisfy, or otherwise affect Sunsweet's obligation to comply with the Act or its regulations, as well as any other Federal, State or local law, including the sewer use ordinance for the City of Yuba City.
11. Failure to comply with this letter constitutes a violation of the Clean Water Act, for which Sunsweet could be liable for civil or criminal penalties, as provided in Section 309 of the Act, [33 U.S.C. Section 1319].
12. EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in 40 CFR Part 2, Subpart B and in the Federal Register at 41 F.R. 36902 (September 1, 1976) and 43 F.R. 40000 (September 8, 1978). A claim of business confidentiality may be asserted in the manner specified by 40 CFR Section 2.203(b) for part or all of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 CFR Part 2, Subpart B. If no claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice. Sunsweet may not withhold from EPA any information on the grounds that it is confidential.

13. This request for information is not subject to review by the Office of Management and Budget (AOMB@) under the Paperwork Reduction Act because it is not an information collection request within the meaning of 44 U.S.C. ' ' 3502(3), 3507, 3512, and 3518(c)(1) (see also, 5 C.F.R. ' ' 1320.3(c), 1320.4, and 1320.6(a)). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons [see, 44 U.S.C. ' 3502(4) & (11); 5 C.F.R. ' ' 1320.4 and 1320.6(a)].
14. This Order takes effect upon signature.

If you have any questions regarding this matter, please contact Greg V. Arthur of my staff at (415) 972-3504 or at arthur.greg@epa.gov.

Sincerely,

*Original signed by:*  
*Kathi Moore*

Kathi Moore  
Chief, Office of CWA Compliance

cc: Mike Paulucci, Yuba City  
Melissa Hall, RWQCB-Sacramento