

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF JUNE 10-11, 2015  
BISHOP**

- ITEM:** 4
- SUBJECT:** **RESCISSION OF WASTE DISCHARGE REQUIREMENTS  
BOARD ORDER NO. 6-95-69 FOR GARDNER RANCH, ARCIERO  
RANCHES, KERN COUNTY**
- CHRONOLOGY:**
- |                |  |
|----------------|--|
| March 11, 1993 | Waste Discharge Requirements<br>Adopted (Board Order No. 93-013)   |
| June 8, 1995   | Waste Discharge Requirements<br>Adopted (Board Order No. 6-95-069) |
- ISSUE:** Should the Water Board rescind the Waste Discharge Requirements issued to Gardner Ranch, Arciero Ranches?
- DISCUSSION:**
- The Facility operations consisted of wastewater treatment plant biosolids (sludge) applied as a soil amendment to irrigated agricultural land east and west Koehn Dry Lake, north of California City, Kern Co.
- Groundwater data from the United States Geological Survey shows the Randsburg and Brothers Ranches having depth to groundwater below ground surface at 180 and 150 respectively. Biosolids application stopped in 2005. The Dischargers, Arciero Ranches (landowner) and Mr. Gardner (operator), went out of business. Since that time, no monitoring reports or annual fees were provided. The property is now owned by the Solar Environmental Conservancy, Inc. In February 2015, staff inspected the site and determined that neither biosolids application nor irrigated farming is being practiced on the property. Therefore, the Facility no longer poses a threat to water quality.
- Water Board staff has solicited comments from the current landowner and interested stakeholders. Correspondence was received from a partial property owner requesting to transfer the board order to them. Water Board staff believes that the order should be rescinded because:
1. The permit activities have been inactive and delinquent in fees for ten years,
  2. Proposed new activities have not been defined nor reviewed,
  3. The order does not apply to the entire area owned by said stakeholder, and
  4. Existing requirements are out of date and may not be applicable.

**RECOMMENDATION:** Adoption of Order as proposed.

<b>ENCLOSURE</b>	<b>ITEM</b>	<b>BATE NUMBER</b>
1.	Proposed Board Order No. R6V-2015-Proposed	4-5
2.	Late Correspondence and Staff Response	4-9

# ENCLOSURE 1

This page intentionally left blank

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**BOARD ORDER NO. R6V-2015-(PROPOSED)  
WDID NO. 6B159301002**

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS  
BOARD ORDER NO. 6-95-69**

**FOR**

**GARDNER RANCH – ARCIERO RANCHES**

**Kern County**

---

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds:

1. Discharger: Board Order No 6-95-69 was adopted on June 8, 1995 establishing waste discharge requirements for the discharge of digested sewage biosolids (sludge) for use as a soil amendment at three locations known as the Arciero Ranches (Facility); Randsburg Ranch, Brothers Ranch, and Sons Ranch. The Arciero Ranches Partnership (landowner) and Mr. Slick Gardner (operator) are referred to as Dischargers. The Dischargers cannot be located. The Order is no longer necessary and should be rescinded.
2. Reason for Action: The Order is no longer necessary and should be rescinded because the Dischargers stopped applying biosolids in 2005 and the Facility no longer poses a threat to water quality. Biosolids were applied to the ground in rows, spread with a scraper and incorporated into the soil by disking to eliminate odors for use as a soil amendment to irrigated farmland. The Dischargers went out of business in about 2005 and stopped submitting self-monitoring reports and annual fees.
3. Current Facility Conditions: On February 4, 2015, staff inspected the Facility and determined no biosolids application is occurring and no irrigated farming occurs at the Facility. Staff accessed the United States Geological Survey database and determined the depth to groundwater in the vicinity of the three ranch areas ranged from about 80 to 250 feet below ground surface<sup>1</sup>. The Facility is now primarily owned by Solar Environmental Conservancy, Inc<sup>2</sup>. and a few individual property owners, which have no plans to continue applying biosolids. This action is being taken to rescind Board Order No. 6-95-69 because the site no longer poses a threat to water quality, no further biosolids application will occur and property ownership has changed.

---

<sup>1</sup> <http://nwis.waterdata.usgs.gov/nwis/gwlevels>

<sup>2</sup> <https://pqweb.parcelquest.com/#login>

4. CEQA: This action is being taken to rescind Board Order No. 6-95-69. Orders to revoke or rescind WDRs are exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), in accordance with Title 14, California Code of Regulations, Section 15321(a)(2).
5. Notification: The Discharger cannot be located. The Water Board has notified the current landowner and interested persons and agencies of its intent to rescind the above WDRs.

**IT IS HEREBY ORDERED** that Board Order No. 6-95-69, be rescinded.

I, Patty Z. Kouyoumdijan, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region on June 10, 2015.

---

PATTY Z. KOUYOUMDIJAN  
EXECUTIVE OFFICER

RB6-VVL\GARDNER-ARCIERO RANCHES\_ RESCISSION\_6B159301002\_

## **ENCLOSURE 2**

This page intentionally left blank

**Hurr, Ceph@Waterboards**

---

**From:** Cass, Jehiel@Waterboards  
**Sent:** Tuesday, May 19, 2015 7:19 PM  
**To:** Jun Lee; Copeland, Patrice@Waterboards; Tyler, Tobi@Waterboards; Zimmerman, Jan@Waterboards; Coale, Robin@Waterboards  
**Cc:** Lawrence Lin; Praveen Jha; Plaziak, Mike@Waterboards; Hurr, Ceph@Waterboards; Niemeyer, Kim@Waterboards; Copeland, Patrice@Waterboards  
**Subject:** RE: FW: Aquahelio Management Inc  
**Attachments:** Gardner Ranch - Arciero Ranches Rescission of WDRs; Proposed Rescission of WDRs for Gardner Ranch, The 2270 Ranch, Namco Capital Group

Jun – Having had no response from Aquahelio, we have scheduled to rescind the two waste discharge requirements that you reference during the Lahontan Board’s June 2015 meeting in Bishop. Attached are the Proposed Rescission orders. I do not believe it is appropriate to continue the 1995 orders allowing biosolids application for the following reasons.

- Neither fees nor monitoring reports for the existing orders have been received since 2003.
- A review of your biosolids application plan is necessary.
- The land ownership areas involved appears changed and you indicate will be further sub-divided.
- The monitoring program should be re-evaluated and would be modified.
- The requirements of the existing order may no longer apply and need to be re-assessed.
- Since 1995, additional findings would have to be made in an individual order.
- Due to changes in the project scope, additional environmental review may be required.

If you want to propose a new project to apply bio-solids, then a new report of waste discharge should be submitted. The initial application form is found at:

[http://www.swrcb.ca.gov/publications\\_forms/forms/docs/form200.pdf](http://www.swrcb.ca.gov/publications_forms/forms/docs/form200.pdf)

Another possibility is that State Board General Order 2000-10-DWQ may apply. See:

[http://www.swrcb.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2000/wqo2000-10.pdf](http://www.swrcb.ca.gov/board_decisions/adopted_orders/water_quality/2000/wqo2000-10.pdf)

Regards- Jay

\*\*\*\*\*

Jehiel (Jay) Cass  
Senior Water Resources Control Engineer  
South Lahontan Regulatory Unit  
CA Regional Water Quality Control Board  
Lahontan Region (6B)  
14440 Civic Dr., Ste 200  
Victorville CA 92392  
phone: (760) 241-2434  
fax: (760) 241-7308  
email: [jehiel.cass@waterboards.ca.gov](mailto:jehiel.cass@waterboards.ca.gov)  
web: <http://www.waterboards.ca.gov/lahontan/>

\*\*\*\*\*

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."

\*\*\*\*\*

**From:** Jun Lee [mailto:junylee@gmail.com]  
**Sent:** Tuesday, May 19, 2015 10:18 AM  
**To:** Cass, Jehiel@Waterboards; Copeland, Patrice@Waterboards; Tyler, Tobi@Waterboards; Zimmerman, Jan@Waterboards; Coale, Robin@Waterboards  
**Cc:** Lawrence Lin; Praveen Jha  
**Subject:** Fwd: FW: Aquahelio Management Inc

All:

I recently joined AqualHelio as Director of Legal Affairs and it has come to my attention that a Request Board Order Transfer Form notice dated February 24, 2014 and associated reports have not been filed with the Board. AqualHelio underwent a significant change in management, and the addressee of the notice, Dr. David Kanani, is no longer with AqualHelio and other executive positions have been changed.

Current management of AqualHelio is reviewing the documents received from the Water Board last year (attached for your reference) and intends to complete and execute the same.

As some of you may know, AqualHelio suspended its solar / water extraction and water banking plans last year and will be selling some of the subject lands to 8Minutenergy for solar development. The remaining lands that are subject to Board Order no. 6B159412001 and 6B159301002 are intended to be used for agriculture and other agricultural - related uses.

As such, Aquahelio intends to maintain its Water Board permits and undertake full compliance with the Board orders. I would like to request a meeting at your offices next week in order to identify the best approach for AqualHelio to be fully compliant with the Board Orders. Thank you in advance for your assistance.

--  
Jun Y. Lee  
Director of Legal Affairs  
AqualHelio Resources, LLC and AqualHelio Management, Inc.

3785 Wilshire Boulevard, Unit 1911  
Los Angeles, CA 90010

TEL (213)300-5220  
FAX (213)607-3105  
=====

ATTENTION: The information contained in this email message is intended only for the use of the individual(s) or entity named herein, and may be attorney/client privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us.