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## Central Valley Regional Water Quality Control Board

12 August 2020

Blake Carlson, Owner  
B&C Packing, Inc.  
13085 S. Zediker Avenue  
Kingsburg, CA 93631

**CERTIFIED MAIL**  
**7019 2970 0001 5202 3712**

### **NOTICE OF APPLICABILITY**

**RESOLUTION NO. R5-2020-0002  
WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR  
SMALL FOOD PROCESSORS, WINERIES, AND RELATED AGRICULTURAL  
PROCESSORS WITHIN THE CENTRAL VALLEY REGION**

**B&C PACKING, INC.,  
B&C PACKING FACILITY  
FRESNO COUNTY  
(ENROLLEE # R5-2020-0002-0037)**

***PLEASE READ CAREFULLY – THIS NOTICE OF APPLICABILITY INCLUDES LEGAL  
REQUIREMENTS (BEGINNING ON PAGE 3) FOR THE  
NITRATE CONTROL PROGRAM***

On 20 February 2020, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution R5-2020-0002, *Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region* (Small Food Processor Wavier or Waiver).

We are in receipt of your Report of Waste Discharge (RWD), received on 1 July 2020, which indicates you intend to comply with Tier 3 conditions of the Waiver. Additional information to complete the RWD including the application fee was received on 7 and 13 July 2020. Tier 3 allows land application of up to 1,000,000 gallons of wastewater per year for irrigation of landscaping or crops and land application of residual solids associated with that volume of wastewater. Any process wastewater or residual solids in excess of those amounts must be disposed of off-site at an appropriately permitted facility.

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KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

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Based on the information provided in the RWD, we have determined that the discharge meets the required conditions for approval under the Waiver. You are hereby assigned enrollee number **R5-2020-0002-0037**. A [copy of the Waiver](#) and the [Waiver Attachments](#) are enclosed and available on the Central Valley Water Board's website. ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2020-0002\\_waiver\\_wdrs.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_wdrs.pdf) and [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2020-0002\\_waiver\\_atts.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_atts.pdf))

Please familiarize yourself with the contents of the Waiver, including the Conditions of Discharge (Waiver Attachment A) and Monitoring and Reporting Program (Waiver Attachment B). The discharge must be managed in accordance with the requirements contained in the Conditions of Discharge and the information submitted in the RWD.

### **DISCHARGE DESCRIPTION**

B&C Packing, Inc. operates B&C Packing Facility (Facility) at 13085 S. Zediker Avenue near Kingsburg in Fresno County as shown in **Attachment A**. The Facility is about 2.5 miles northeast of Kingsburg (36° 32' 48.47" N, 119° 31' 24.56" W). The Facility and surrounding orchards used for land application of fruit wash water are owned by the Carlson and Bortolussi Family Trusts (Assessor's Parcel Numbers 393-124-13, and 393-124-27).

The Facility consists of a 19,100-square foot packing house with a wraparound canopy and approximately 12,000 square-foot addition to provide extra storage space. Facility operations that generate process wastewater includes washing and packing stone fruit such as peaches, plums, and nectarines, and equipment wash down. On average, the Facility generates about 66,000 gallons of wash water per month during the fruit packing season from May through September (approximately 330,000 gallons annually). According to the Discharger, no chemicals are added during packing operations other than USDA approved disinfectants/cleaners. Flows are estimated based on the flow rate for the nozzle heads on the fruit washing system and the number of operating hours.

The wash water and culled fruit is captured and stored in a 5,000-gallon concrete sump (or cull pit). From the sump the wash water is pumped into an underground irrigation line until applied to the surrounding orchards. The land application area (LAA) consists of approximately 28 acres (Parcel A 18.8 acres, and Parcel C 9.7 acres) as shown in **Attachment A**. Wastewater is evenly applied to the furrows between the trees.

Based on the Facility's SIC code 0723, the fruit packing facility is not required to obtain coverage under the National Pollutant Elimination System (NPDES) General Industrial Storm Water permit (Order 2014-0057-DWQ, CAS000001).

Operational information indicates the Facility's packing operation will process approximately 100,000 tons of fruit annually and will produce about 750,000 wet tons of residual solids including culled fruit, leaves, and stems. Residual solids are collected

and temporarily stored in the concrete sump (cull pit) until it is hauled off site for use as cattle feed. According to the application there are no plans to expand operations over the next five years.

### **MONITORING AND REPORTING**

Attachment B of the Waiver includes monitoring and reporting requirements that you must comply with, including routine monitoring and reporting to the Central Valley Water Board. Please review the Monitoring and Reporting Program closely and establish the appropriate record keeping system so that you are able to complete the required Annual Monitoring Report form, which is also contained in Attachment B of the Waiver.

By **1<sup>st</sup> February of each year**, the Annual Monitoring Report must be submitted to our office, even if there is no discharge during the reporting year. The 2020 Annual Monitoring Report is due **1 February 2021**.

### **GENERAL INFORMATION AND REQUIREMENTS**

The Waiver includes specific and general conditions with which you must comply. You must maintain control over the discharge and operate in accordance with the information provided in your RWD and this Notice of Applicability (NOA).

Please review this NOA carefully to ensure that it completely and accurately reflects the facility name, location, and details of the proposed discharge. Failure to comply with the requirements of the Waiver may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability. Discharge of wastes not described in the Conditions of Discharge (Attachment A) of the Waiver is prohibited.

Please note that the Waiver will expire on **20 February 2025**, after which you must either cease the discharge or do one of the following:

1. Submit a new RWD with a filing fee (if required) to obtain coverage under a subsequently adopted waiver, or
2. Submit a RWD with a filing fee to apply for individual or general Waste Discharge Requirements.

### **SALT AND NITRATE CONTROL PROGRAMS**

#### **THE FOLLOWING ARE LEGAL REQUIRMENTS PURSUANT TO WATER CODE SECTION 13260 THAT MUST BE FOLLOWED.**

In May 2018, the Central Valley Water Board approved new Salt and Nitrate Control Programs. The Nitrate Control Program was developed to address widespread nitrate pollution in the Central Valley. Nitrate in drinking water can reduce the blood's ability to carry oxygen, which can result in brain damage and death. Infants and pregnant women are most at risk of nitrate toxicity. Nitrate is a risk when it is above 10 parts per million (ppm) of nitrate nitrogen, which is the Primary Maximum Contaminant Level (MCL), also known as the nitrate drinking water standard.

For the Nitrate Control Program, the Board identified areas, referred to as Priority 1 and Priority 2 basins, where nitrates in groundwater are more prevalent and therefore pose a higher risk to persons who rely on groundwater as a source of drinking water. Priority 1 and Priority 2 basins have timelines under which permittees, such as you, are required to implement Nitrate Control Program requirements. B&C Packing Facility is within Priority 1 Groundwater Basin 5-22.08 (San Joaquin Valley – Kings).

Notices to Comply for existing dischargers in Priority 1 Basins were initially mailed out on 29 May 2020. Since we did not receive an application for this Facility until 1 July 2020, **you are receiving a Notice to Comply as part of this NOA.** Therefore, you are required to select a pathway to comply with the new Nitrate Control Program either individually (Pathway A) or collectively as part of a Management Zone Group (Pathway B) and submit a Notice of Intent by **8 July 2021**. The Notice of Intent is required under Water Code section 13260. If you do not respond to this request by the 8 July 2021 deadline, you may be subject to enforcement actions, including actions under Water Code section 13261, which authorizes the Board to impose liability of up to \$1,000 per day for failure to submit a report. **After 8 July 2021, discharges of nitrate are prohibited unless you are implementing the Nitrate Control Program through either Pathway A (Individual Approach) or Pathway B (Management Zone Approach).**

Details on the two compliance pathways for the Nitrate Control Program (Pathway A and Pathway B) and information to be used when selecting a pathway are discussed in greater detail below:

**Pathway A:** New individual permitting options. The Board will set more stringent nitrate requirements in your permit to ensure that nitrate impacts will not cause a problem for drinking water users.

**Pathway B:** Form or Join a Local Management Zone with other Permittees. A Management Zone is an association of permittees that work together to reduce nitrate loading and to provide replacement water to communities and individuals whose wells are impacted by nitrates.

Pathway A offers several individual permitting options, all of which set stringent nitrate requirements on all dischargers that have nitrates in their wastewater. The Board expects that, for many permittees, Pathway A will require significant upgrades, extensive monitoring, and a rigorous technical justification that wastewater will not result in any exceedances of the nitrate standard over a 20-year planning horizon. Pathway B is a new permitting approach that allows multiple permittees to form or join in a Management Zone in order to comply with the Nitrate Control Program. Pathway B provides a collaborative, locally managed, cost-effective and flexible approach to program compliance.

In order to make an informed decision and meet critical program deadlines, it is important that you take action now.

### **Step 1 – Before You Decide on a Pathway**

Before you decide on a permitting pathway, the Board recommends that you visit the website [cvsalts.info](https://www.waterboards.ca.gov/centralvalley/water_issues/salinity) ([https://www.waterboards.ca.gov/centralvalley/water\\_issues/salinity](https://www.waterboards.ca.gov/centralvalley/water_issues/salinity)) for more information on the Nitrate Control Program, including:

1. Nitrate Control Program requirements and timelines
2. Conducting an initial assessment (individually or collectively with other permittees) of your discharges and nearby groundwater conditions
3. Forming or participating in a Management Zone in your area
4. Requirements and templates for deliverables (e.g. Early Action Plans, Management Zone Proposals and Alternative Compliance Project proposals)
5. Answers to Frequently Asked Questions

The [cvsalts.info](https://www.waterboards.ca.gov/centralvalley/water_issues/salinity) website will be updated regularly, so be sure to check back frequently for the latest information. You can also check the website for upcoming webinars that will provide guidance information. Questions and information requests can also be made by sending an email to: [cvsalts@waterboards.ca.gov](mailto:cvsalts@waterboards.ca.gov).

A [full copy of the Salt and Nitrate Control Program Basin Plan language \(Attachment 1 of Resolution R5-2018-0034\)](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2018-0034_res.pdf), can be found at: [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/resolutions/r5-2018-0034\\_res.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2018-0034_res.pdf).

### **Step 2 – Make a Pathway Choice and Begin Meeting Program Requirements**

#### ***A. If you choose Pathway A***

General Requirements for Pathway A (Individual Approach) are as follows:

1. Assess your nitrate impacts to shallow groundwater.
2. Prepare a Nitrate Assessment Report that categorizes the impact of your discharge over a 20-year horizon. There are five categories for permittees choosing to comply under Pathway A.
3. Complete the Notice of Intent (NOI) that indicates your election of Pathway A.

An [electronic fillable PDF version of the NOI](#) is available at the link below. A hardcopy can be sent to you by sending a request to [cvsalts@waterboards.ca.gov](mailto:cvsalts@waterboards.ca.gov).

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/salinity/forms\\_templates\\_guide/#notice\\_of\\_intent](http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/forms_templates_guide/#notice_of_intent).

4. Prepare an Early Action Plan (EAP) that will provide affected residents interim drinking water solutions where drinking water exceeds nitrate water quality objectives.
5. If you are in Category 4 or 5, develop a proposed Alternative Compliance Project (ACP) as an additional condition. Any proposed Alternative Compliance Project must be in addition to activities that a permittee would implement to achieve their individual discharges full compliance with the nitrate water quality objective.
6. Submit your NOI and Nitrate Assessment Report to the Central Valley Water Board no later than **8 July 2021**. Permittees that are required to complete an EAP and/or ACP proposal must also submit these documents with the NOI.
7. Obtain Central Valley Water Board evaluation and approval.
8. Initiate EAP (if applicable) within **60 days** following submittal of the plan, unless otherwise directed by the Central Valley Water Board.

***B. If you choose Pathway B***

General Requirements for Pathway B (Management Zones) are as follows:

1. Permittees in a Management Zone work collectively to develop a Preliminary Management Zone Proposal and Early Action Plan (if applicable). The Early Action Plan must describe how the Management Zone entity will provide affected residents interim drinking water solutions where drinking water exceeds nitrate water quality objectives. Management Zone submits these documents to the Central Valley Water Board no later than **8 March 2021**.
2. Management Zone initiates EAP within **60 days** following submittal of the plan, unless otherwise directed by the Central Valley Water Board.
3. Submit an individual NOI that indicates your selection of Pathway B to the Central Valley Water Board no later than **8 July 2021**. ***Permittees who are named as a Management Zone member in the Preliminary Management Zone Proposal do not need to submit an NOI.***

An [electronic fillable PDF version of the NOI](#) is available at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/salinity/forms\\_temps\\_guide/#notice\\_of\\_intent](http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/forms_temps_guide/#notice_of_intent). A hardcopy can be sent to you by sending a request to [cvsalts@waterboards.ca.gov](mailto:cvsalts@waterboards.ca.gov).

4. Permittees working together as a Management Zone develop and submit a Final Management Zone Proposal, **180 days** after Central Valley Water Board's review of the preliminary proposal.
5. Permittees working together as a Management Zone develop and submit a Management Zone Implementation Plan, **6 months** after the Final Management Zone Proposal is accepted by the Executive Officer of the Central Valley Water Board.

### **DOCUMENT SUBMITTALS**

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: [centralvalleyfresno@waterboards.ca.gov](mailto:centralvalleyfresno@waterboards.ca.gov). To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

**Facility Name:** B&C Packing Facility  
**Program:** Non-15  
**Order:** R5-2020-0002-0037  
**CIWQS Place ID:** 867888

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board  
Fresno Office  
1685 E Street  
Fresno, CA 93706

All documents, including responses to inspections and written notifications, submitted to comply with this Waiver shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Russell Walls. Mr. Walls can be reached at (559) 488-4392 or [Russel.Walls@waterboards.ca.gov](mailto:Russel.Walls@waterboards.ca.gov). Questions regarding the permitting aspects of the Waiver, and notification for termination of coverage under the Waiver, shall be directed, via the paperless office system, to the WDR Permitting Unit, attention Katie Carpenter. Ms. Katie Carpenter can be reached at (559) 445-5551 or by email at [Katie.Carpenter@waterboards.ca.gov](mailto:Katie.Carpenter@waterboards.ca.gov).

Any person aggrieved by this action (issuance the NOA enrolling the Facility under the General) may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control 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 or will be provided upon request. ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality))

*Original Signed by Clay L. Rodgers for:*  
Patrick Pulupa  
Executive Officer

Attachment: Attachment A: Site Map

Enclosure: Resolution R5-2020-0002 (Discharger only)

cc w/o encl: Russell Walls, Central Valley Water Board, Fresno (via email)  
Fresno County Planning Department, Fresno



**ATTACHMENT A – SITE MAP**  
**RESOLUTION R5-2020-0002-0037**  
**B&C PACKING, INC.**  
**B&C PACKING FACILITY**  
**FRESNO COUNTY**