



Central Valley Regional Water Quality Control Board

2 September 2020

Jasjit S. Sihota
Amar JS Farms
13113 S. Fowler Avenue
Selma, CA 93662

CERTIFIED MAIL
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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**

**AMAR JS FARMS,
AMAR JS FARMS ALMOND OIL PROCESSING FACILITY
FRESNO COUNTY
(ENROLLEE # R5-2020-0002-0045)**

***PLEASE READ CAREFULLY – THIS NOTICE OF APPLICABILITY (BEGINNING ON
PAGE 4) INCLUDES LEGAL REQUIREMENTS 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, the *Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors* within the Central Valley Region (Waiver). The Central Valley Water Board is in receipt of your Report of Waste Discharge (RWD), which states Amar JS Farms intends to comply with the Tier 1 conditions of the Waiver. Tier 1 allows land application of up to 10,000 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. If you wish to land apply more wastewater or residual solids, you must submit a new application to obtain coverage under Tier 2 of

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

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the Waiver or obtain individual waste discharge requirements prior to increasing the discharge volume.

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 R5-2020-0002-0045**. 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 and 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 information submitted in the RWD.

DISCHARGE DESCRIPTION

Amar JS Farms owns and operates the Amar JS Farms Almond Oil Processing Facility (Facility) at 13113 South Fowler Avenue near Selma as shown in Attachment A. The Facility occupies a 77.7-acre parcel about 5.9 miles south west of Selma in Fresno County (Section 16, Township 16 South, Range 21 East, MDB&M).

The estimated annual volume of almonds processed for oil at the Facility is around 60,000 - 100,000 pounds (approximately 8,000 to 14,000 gallons). There is no wastewater generated in the almond oil process (which takes place September through January). Almond oil is extracted from almonds by "cold pressing," which produces an unrefined oil product from the raw stock (clean and dried hulled almond culls) without the use of heat or chemical agents. However, wash water is generated during the pre- and post-production run clean-up, which the RWD estimates is 5,000 gallons/year. The source water for the Facility is a domestic water well that also serves the on-site residence. The residual almond cake, produced from pressing the almonds to release the oil, is collected in bins and sold off-site as an animal feed supplement.

Based on the *Operation Statement & Process Wastewater Discharger Information* document submitted with the RWD, production occurs both indoors and outdoors at the Facility. The outdoor (under canopy) production utilizes conveyance equipment (elevators, conveyors, etc.), which are washed down pre- and post-production to remove accumulated ranch dust in between production runs. Each wash down event is estimated to generate about 450 gallons resulting in a total of approximately 900 gallons per production run. Typically, five production runs occur each year. The volume of water produced is estimated based on frequency of equipment wash down, which requires around 90 minutes. No additives are used with the wash down water. The wash water drains directly to the surrounding orchard as illustrated on Attachment A.

Indoor activities include hand washing indoor equipment with dish soap during production runs and steam cleaning of all indoor equipment at the end of the season. The operational statement estimates that the indoor activities generates approximately 500 gallons of wash water per year based on operational input, which is discharged to the on-site septic system. The septic system consists of a 1,500-gallon septic tank and leach field, regulated by the County. This NOA does not regulate the discharge of wash water or any other wastewater to the on-site septic system.

MONITORING AND REPORTING

Attachment B of the Waiver includes specific 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 **1st 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.

Please review this Notice of Applicability 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 REQUIREMENTS 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. Amar JS Farms 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 25 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 **29 July 2021**. The Notice of Intent is required under Water Code section 13260. If you do not respond to this request by the 29 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 29 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) 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.

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.

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.

(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 **29 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 **29 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_templates_guide/#notice_of_intent. A hardcopy can be sent to you by sending a request to 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. 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: Amar JS Farms Almond Oil Processing Facility
Program: Non-15
Order: R5-2020-0002-0045
CIWQS Place ID: 868336

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. Questions regarding the permitting aspects of the Wavier, 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.

Any person aggrieved by this action of the Central Valley Water Board 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 Order 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)

Original Signed by Scott J. Hatton for
Patrick Pulupa
Executive Officer

Attachments: Attachment A - Site Map

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

cc w/o encl: Chris Howard, Amar JS Farms, Selma (via email)
Russell Walls, Central Valley Water Board, Fresno (via email)
Fresno County Public Works and Planning, Fresno



ATTCHMENT A – SITE MAP

**ORDER R5-2020-0002-0045
AMAR JS FARMS
AMAR JS FARMS ALMOND OIL PROCESSING FACILITY
FRESNO COUNTY**